3–13–96
Vol. 61 No. 50
Pages 10269–10446

Federal Register

Wednesday
March 13, 1996

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC and Raleigh, NC, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the Federal Register as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the Federal Register shall be judicially noticed.

The Federal Register is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated by 6 a.m. each day the Federal Register is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su__docs/, by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest, (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids gpo.gov; by faxing to (202) 512–1262; or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except for Federal holidays.

The annual subscription price for the Federal Register paper edition is $494, or $544 for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is $433. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the Federal Register.

How To Cite This Publication: Use the volume number and the page number. Example: 61 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–512–1800
Assistance with public subscriptions	512–1806
General online information	202–512–1530
Single copies/back copies:	
Paper or fiche	512–1800
Assistance with public single copies	512–1803
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Assistance with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

[Two Sessions]

WHEN: March 26, 1996 at 9:00 am
April 23, 1996 at 9:00 am

WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

RALEIGH, NC

WHEN: April 16, 1996 at 9:00 am

WHERE: Federal Building and U.S. Courthouse, Room 209, 310 New Bern Avenue, Raleigh, NC 27601

RESERVATIONS: 1–800–688–9889

Contents

Federal Register

Vol. 61, No. 50

Wednesday, March 13, 1996

Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, reminders, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 61, No. 50
Wednesday, March 13, 1996

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 95–092–2]

Specifically Approved States Authorized to Receive Mares and Stallions Imported From Countries Where CEM Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On January 23, 1996, the Animal and Plant Health Inspection Service published a direct final rule. (See 61 FR 1697–1699, Docket No. 95–092–1). The direct final rule notified the public of our intention to amend the animal importation regulations by adding Alabama and North Carolina to the list of States approved to receive certain mares imported into the United States from countries affected with contagious equine metritis (CEM). We are also adding Alabama to the list of States approved to receive certain stallions imported into the United States from countries affected with CEM. We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule.

EFFECTIVE DATE: The effective date of the direct final rule is confirmed as: March 25, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. David Vogt, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road Unit 39, Riverdale, MD 20737–1231, (301) 734–8423.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 7th day of March 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–5981 Filed 3–12–96; 8:45 am]

BILLING CODE 3410–34–M

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 102, 109, 110 and 114

[Notice 1996–9]

Corporate and Labor Organization Activity; Express Advocacy and Coordination With Candidates

AGENCY: Federal Election Commission.

ACTION: Final rule: announcement of effective date.

SUMMARY: On December 14, 1995, the Commission published the text of revised regulations regarding corporate and labor organization activities such as sponsoring voter drives and candidate debates and appearances, endorsing candidates, issuing voter guides, voting records and other publications, and facilitating the making of contributions. 60 FR 64260. These regulations implement portions of the Federal Election Campaign Act of 1971, as amended. The Commission announces that these rules are effective as of March 13, 1996.

EFFECTIVE DATE: March 13, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Ms. Rosemary C. Smith, Senior Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 219–3690 or toll free (800) 424–9530.

SUPPLEMENTARY INFORMATION: Today, the Commission is announcing the effective date of new regulations implementing the Supreme Court's opinion in *Federal Election Commission* v. *Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986). This decision concerns corporate and labor organization activities under section 441b of the Federal Election Campaign Act. 2 U.S.C. 441b. The new rules are being incorporated into Parts 100, 102, 109, 110 and 114 of the existing regulations.

Section 438(d) of Title 2, United States Code, requires that any rule or regulation prescribed by the Commission to implement Title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days prior to final promulgation. These regulations were transmitted to Congress on December 8, 1995. Thirty legislative days expired in the Senate on January 30, 1996 and in the House of Representatives on February 28, 1996.

Announcement of Effective Date: 11 CFR 109.1(b)(4), 110.12, 110.13, 114.1 (a) and (j), 114.2, 114.3, 114.4, 114.12(b) and 114.13, and conforming amendments to 11 CFR 100.7(b)(21), 100.8 (b)(3) and (b)(23) and 102.4(c)(1), as published at 60 FR 64260 on December 14, 1995, are effective as of March 13, 1996.

Dated: March 8, 1996.

Lee Ann Elliott,

Chairman, Federal Election Commission.

[FR Doc. 96–5950 Filed 3–12–96; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 23 and 91

[Docket No. 27806, Amendment No. 91–248]

RIN 2120–AE59

Airworthiness Standards; Systems and Equipment Rules Based on European Joint Aviation Requirements

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, correction.

SUMMARY: This document contains a correction to the final rule correction published in the Federal Register on February 28, 1996 (61 FR 7410). The rule related to systems and equipment rules based on European joint aviation requirements.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Earsa Tankesley, (816) 426–6932.

Correction of Publication

In the rule document (FR Doc. 96–4559) on page 7410 in the issue of Wednesday, February 28, 1996, make the following correction: in the first column, in the correction paragraph, in

the 4th and 5th lines, ''121–248'' should read ''91–248''.

Issued in Washington, DC on March 6, 1996.

Donald P. Byrne,

Assistant Chief Counsel.

[FR Doc. 96–6020 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 95–NM–276–AD; Amendment 39–9538; AD 96–03–01 R1]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This amendment clarifies information in an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires inspections of the lower engine mount to determine if the tangential link upper bolt and nut are oriented properly, and if the tangential link upper bolt nut is torqued within certain limits. Additionally, the AD requires replacement of the bolt and nut with serviceable parts, if necessary, and requires certain follow-on actions for airplanes on which the upper bolt is missing. The actions specified in the AD are intended to prevent separation of the engine from the airframe due to migration of the tangential link upper bolt. This amendment clarifies an incorrect description of a part that is to be inspected. This amendment is prompted by communications received from the manufacturer that this part was described incorrectly in the published version of the AD.

DATES: Effective February 16, 1996.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of February 16, 1996 (61 FR 3550, February 1, 1996).

FOR FURTHER INFORMATION CONTACT: Tammy L. Dow, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2771; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: On January 22, 1996, the FAA issued AD 96–03–01, amendment 39–9496 (61 FR 3550, February 1, 1996), which is applicable to certain Boeing Model 747 series airplanes. That AD requires inspections of the lower engine mount to determine if the tangential link upper bolt and nut are oriented properly, and if the tangential link upper bolt nut is torqued within certain limits. Additionally, that AD requires replacement of the bolt and nut with serviceable parts, if necessary, and requires certain follow-on actions for airplanes on which the upper bolt is missing. Terminating action also is provided by that AD. That action was prompted by reports of migration of bolts completely from the tangential link of the aft engine mount, a condition which would reduce the capability of the retention system for the engine. The actions required by that AD are intended to prevent separation of the engine from the airplane due to migration of the tangential link upper bolt.

Since the issuance of that AD, the manufacturer advised the FAA that, as published, paragraph (a)(1)(ii) of that AD incorrectly described a part. That paragraph specified that if the ''tangential link upper bolt'' is not installed on the forward side of the engine mount fitting, certain corrective actions are required. However, that paragraph should have specified that the corrective actions are necessary if the ''tangential link upper bolt nut'' is not installed on the forward side of the engine mount fitting. In all other parts of the published AD and its preamble, references to this part were described correctly.

Action is taken herein to clarify these requirements of AD 96–03–01 and to correctly add the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The final rule is being reprinted in its entirety for the convenience of affected operators. The effective date remains February 16, 1996.

Since this action only clarifies a current requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9496 (61 FR 3550, February 1, 1996), and by adding a new airworthiness directive (AD), amendment 39–9538, to read as follows:

96–03–01 R1 Boeing: Amendment 39–9538. Docket 95–NM–276–AD. Revises AD 96–03–01, Amendment 39–9496.

Applicability: Model 747 series airplanes, as listed in Boeing Alert Service Bulletin 747–71A2277, dated November 29, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the engine from the airplane, accomplish the following:

(a) Within 90 days after the effective date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD in accordance with Boeing Alert Service Bulletin 747–71A2277, dated November 29, 1995.

(1) Perform a visual inspection to ensure that installation of the tangential link upper bolt nut is on the forward side of the engine mount fitting.

(i) If the tangential link upper bolt nut is installed on the forward side of the engine mount fitting, repeat the visual inspection at intervals not to exceed 18 months.

(ii) If the tangential link upper bolt nut is not installed on the forward side of the engine mount fitting, prior to further flight, remove the nut, bolt, and washers and reinstall the nut, bolt, and washers in accordance with the alert service bulletin. Thereafter, repeat the visual inspection at intervals not to exceed 18 months.

(iii) If the tangential link upper bolt is missing from the engine mount fitting, prior to further flight, perform the various follow-on actions in accordance with the alert service bulletin. (The follow-on actions include visual inspections, magnetic particle

inspections, replacement of the lower engine mount fitting with a serviceable part, if necessary; installation of new safety links, bolts, and nuts; and installation of a new tangential link upper bolt.) Thereafter, repeat the visual inspection at intervals not to exceed 18 months.

(2) Perform an inspection to verify that the torque value of the tangential link upper bolt (on both sides of the mount) is within the limits specified in the alert service bulletin.

(i) If the torque value of the tangential link upper bolt nut is within the limits specified in the alert service bulletin, repeat the inspection (verification) at intervals not to exceed 18 months.

(ii) If the torque value of the tangential link upper bolt nut is outside the limits specified in the alert service bulletin, prior to further flight, perform a visual inspection of the tangential link upper bolt and washer for any damage or discrepancy, in accordance with the alert service bulletin.

(A) If no damage or discrepancy of the tangential link upper bolt and washers is found, prior to further flight, replace the bolt nut with a new or serviceable part in accordance with the alert service bulletin. Thereafter, repeat the inspection (verification) specified in paragraph (a)(2) of this AD at intervals not to exceed 18 months.

(B) If any damage or discrepancy of the tangential link upper bolt and washers is found, prior to further flight, replace the damaged or discrepant part with a new or serviceable part, and replace the bolt nut with a new or serviceable part, in accordance with the alert service bulletin. Thereafter, repeat the inspection (verification) specified in paragraph (a)(2) of this AD at intervals not to exceed 18 months.

(b) Replacement of the safety links with modified safety links in accordance with Boeing Service Bulletin 747–71–2206, dated April 16, 1987; or Boeing Service Bulletin 747–71–2206, Revision 1, dated November 12, 1987, as revised by Boeing Notice of Status Change No. 747–71–2206 NSC 1, dated December 4, 1987, and Boeing Notice of Status Change No. 747–71–2206 NSC 2, dated March 17, 1988; constitutes terminating action for the repetitive inspection requirements of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspections, replacement, and follow-on actions shall be done in accordance with Boeing Alert Service Bulletin 747–71A2277, dated November 29, 1995. This incorporation by reference was approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of February 16, 1996 (61 FR 3550, February 1, 1996). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment is effective on February 16, 1996.

Issued in Renton, Washington, on March 6, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–5856 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 95–AWP–43]

Amendment of Class E Airspace; Vacaville, CA; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the geographic coordinates of a final rule that was published in the Federal Register on February 13, 1996 (61 FR 5504), Airspace Docket No. 95–AWP–43. The final rule revised the description of the Class E airspace at Vacaville, CA.

EFFECTIVE DATE: 0901 UTC April 25, 1996.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 96–3175, Airspace Docket No. 95–AWP–43, published on February 13, 1996 (61 FR 5504), revised the description of the Class E airspace area at Vacaville, CA. An error was discovered in the geographic coordinates for the Sacramento VORTAC in the Vacaville, CA, Class E airspace area. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the graphic coordinates for the Sacramento VORTAC in the Class E airspace area at Vacaville, CA, as published in the Federal Register on February 13, 1996 (61 FR 5504), (Federal Register Document 96–3175), are corrected as follows:

§ 71.1 [Corrected]

* * * * *

AWP CA E5 Vacaville, CA [Corrected]

On page 5505, in the second column, the geographic coordinates for the Sacramento VORTAC are corrected as follows:

By removing ''(lat. 38°38′26″ N., long. 121°33′06″ W.)'' and adding ''(lat. 38°26′37″ N., long. 121°33′06″ W.)'' in its place.

* * * * *

Issued in Los Angeles, California, on March 1, 1996.

Harvey R. Riebel,

Acting Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 96–6022 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–36940, International Series Release No. 948, File No. S7–34–95]

RIN 3235–AG68

Exemption of the Securities of the Federative Republic of Brazil, the Republic of Argentina, and the Republic of Venezuela Under the Securities Exchange Act of 1934 for Purposes of Trading Futures Contracts on those Securities

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''SEC'' or ''Commission'') is adopting an amendment to Rule 3a12–8 under the Securities Exchange Act of 1934 that would designate debt obligations issued by the Federative Republic of Brazil (''Brazil''), the Republic of Argentina (''Argentina''), and the Republic of Venezuela (''Venezuela'') (collectively the ''Additional Countries'') as ''exempted securities'' for the purpose of marketing and trading futures contracts on those securities in the United States. The purpose of this amendment is solely to permit futures on the sovereign debt of the Additional Countries to be traded in the United States. This change is not intended to have any substantive effect on the operation of the Rule.

EFFECTIVE DATE: March 13, 1996.

FOR FURTHER INFORMATION CONTACT: James T. McHale, Attorney, Office of Market Supervision (''OMS''), Division of Market Regulation (''Division''), Securities and Exchange Commission (Mail Stop 5–1), 450 Fifth Street, N.W., Washington, D.C. 20549, at (202) 942–0190.

SUPPLEMENTARY INFORMATION:

I. Introduction

Under the Commodity Exchange Act (''CEA''), it is unlawful to trade a futures contract on any individual security, unless the security in question is an exempted security (other than a municipal security) for the purposes of the Securities Act of 1933 (''Securities Act'') or the Securities Exchange Act of 1934 (''Exchange Act'').[1] Debt obligations of foreign governments are not exempted securities under either of these statutes. The Commission, however, has adopted Rule 3a12–8 under the Exchange Act (''Rule'')[2] to designate debt obligations issued by certain foreign governments as exempted securities under the Exchange Act solely for the purpose of marketing and trading futures contracts on those securities in the United States. The foreign governments currently designated in the Rule are Great Britain, Canada, Japan, Australia, France, New Zealand, Austria, Denmark, Finland, the Netherlands, Switzerland, Germany, the Republic of Ireland, Italy, the Kingdom of Spain, and Mexico (the ''Designated Foreign Governments''). As a result of being included in the Rule, futures contracts on the debt obligations of these countries may be sold in the United States, as long as the other terms of the Rule are satisfied.

On December 13, 1995, the Commission issued a release proposing to amend Rule 3a12–8 to designate the debt obligations of the Additional Countries as exempted securities, solely for the purpose of futures trading.[3] No comment letters were received in response to the proposal.

The Commission is adopting this amendment to the Rule, adding Brazil, Argentina and Venezuela to the list of countries whose debt obligations are exempted by Rule 3a12–8. In order to qualify for the exemption, futures contracts on debt obligations of the Additional Countries would have to meet all the other requirements of the Rule.

II. Background

Rule 3a12–8 was adopted in 1984[4] pursuant to the exemptive authority in Section 3(a)(12) of the Exchange Act in order to provide a limited exception to the CEA's prohibition on the trading of futures overlying individual securities.[5] As originally adopted, the Rule provided that debt obligations of the United Kingdom and Canada would be deemed to be exempted securities, solely for the purpose of permitting the offer, sale, and confirmation of ''qualifying foreign futures contracts'' on such securities, so long as the securities in question were neither registered under the Securities Act nor the subject of any American depositary receipt so registered. A futures contract on such a debt obligation is deemed under the Rule to be a ''qualifying foreign futures contract'' if delivery under the contract is settled outside the United States and is traded on a board of trade.[6]

The conditions imposed by the Rule were intended to facilitate the trading of futures contracts on foreign government securities in the United States while requiring offerings of foreign government securities to comply with the federal securities laws. Accordingly, the conditions set forth in the Rule were designed to ensure that markets for futures on these instruments would not be used to avoid the securities law registration requirements.

Subsequently, the Commission amended the Rule to include the debt securities issued by Japan, Australia, France, New Zealand, Austria, Denmark, Finland, the Netherlands, Switzerland, Germany, Ireland, Italy, Spain, and, most recently, Mexico.[7]

The Chicago Mercantile Exchange (''CME'') has informed the Commission that U.S. citizens may be interested in futures products based on the debt obligations of the Additional Countries, and has requested that Rule 3a12–8 be amended to facilitate such trading.[8] The CME has represented that it intends to develop a futures contract market in Brady bonds issued by the Additional Countries.[9] Brady bonds are issued pursuant to the Brady plan, which allows developing countries to restructure their commercial bank debt by issuing long-term dollar denominated bonds.[10] The Commission

---

[1] The term ''exempted security'' is defined in Section 3 of the Securities Act, 15 U.S.C. § 77c, and Section 3(a)(12) of the Exchange Act, 15 U.S.C. § 78c(a)(12).

[2] 17 CFR 240.3a12–8

[3] *See* Securities Exchange Act Release No. 36580 (''Proposing Release'') (December 13, 1995), 60 FR 65607 (December 20, 1995).

[4] *See* Securities Exchange Act Release Nos. 20708 (''Original Adopting Release'') (March 2, 1984), 49 FR 8595 (March 8, 1984) and 19811 (''Original Proposing Release'') (May 25, 1983), 48 FR 24725 (June 2, 1983).

[5] In enacting the Futures Trading Act of 1982, Congress expressed its understanding that neither the SEC nor the Commodity Futures Trading Commission (''CFTC'') had intended to bar the sale of futures contracts on debt obligations of the United Kingdom of Great Britain and Northern Ireland (''United Kingdom'') to U.S. persons, and its expectation that administrative action would be taken to allow the sale of such futures contracts in the United States. *See* Original Proposing Release, *supra* note 4, 48 FR at 24725 [citing 128 Cong. Rec. H7492 (daily ed. September 23, 1982) (statements of Representatives Daschle and Wirth)].

[6] As originally adopted, the Rule required that the board of trade be located in the country that issued the underlying securities. This requirement was eliminated in 1987. *See* Securities Exchange Act Release No. 24209 (March 12, 1987), 52 FR 8875 (March 20, 1987).

[7] As originally adopted, the Rule applied only to British and Canadian government debt securities. *See* Original Adopting Release, *supra* note 4. In 1986, the Rule was amended to include Japanese government debt securities. *See* Securities Exchange Act Release No. 23423 (July 11, 1986), 51 FR 25996 (July 18, 1986). In 1987, the Rule was amended to include debt securities issued by Australia, France and New Zealand. *See* Securities Exchange Act Release No. 25072 (October 29, 1987), 52 FR 42277 (November 4, 1987). In 1988, the Rule was amended to include debt securities issued by Austria, Denmark, Finland, the Netherlands, Switzerland, and West Germany. *See* Securities Exchange Act Release No. 26217 (October 26, 1988), 53 FR 43860 (October 31, 1988). In 1992 the Rule was again amended to (1) include debt securities offered by the Republic of Ireland and Italy, (2) change the country designation of ''West Germany'' to the ''Federal Republic of Germany,'' and (3) replace all references to the informal names of the countries listed in the Rule with references to their official names. *See* Securities Exchange Act Release No. 30166 (January 6, 1992), 57 FR 1375 (January 14, 1992). In 1994, the Rule was amended to include debt securities issued by the Kingdom of Spain. *See* Securities Exchange Act Release No. 34908 (October 27, 1994), 59 FR 54812 (November 2, 1994). Finally, in 1995 the Rule was amended to include Mexican sovereign debt. *See* Securities Exchange Act Release No. 36530 (November 30, 1995) 60 FR 62323 (December 6, 1995) (''Mexico Adopting Release'').

[8] *See* Letter from William J. Brodsky, President and Chief Executive Officer, CME, to Arthur Levitt, Jr., Chairman, Commission, dated November 10, 1995 (''CME Petition''). The Commission subsequently received a request from the New York Cotton Exchange (''NYCE'') to amend the Rule to include the same Additional Countries. *See* Letter from Philip McBride Johnson, Esq., Skadden, Arps, Slate, Meagher & Flom, to Jonathan G. Katz, Secretary, Commission, dated November 30, 1995.

[9] The marketing and trading of foreign futures contracts is subject to regulation by the CFTC. In particular, Section 4b of the CEA authorizes the CFTC to regulate the offer and sale of foreign futures contracts to U.S. residents, and Rule 9 (17 CFR 30.9), promulgated under Section 2(a)(1)(A) of the CEA, is intended to prohibit fraud in connection with the offer and sale to U.S. persons of futures contracts executed on foreign exchanges. Additional rules promulgated under 2(a)(1)(A) of the CEA govern the domestic offer and sale of futures and options contracts traded on foreign boards of trade. These rules require, among other things, that the domestic offer and sale of foreign futures be effected through the CFTC registrants or through entities subject to a foreign regulatory framework comparable to that governing domestic futures trading. *See* 17 CFR 30.3, 30.4, and 30.5 (1991).

[10] There are several types of Brady bonds, but ''Par Bradys'' and ''Discount Bradys'' represent the great majority of issues in the Brady bond market. In general, both Par Bradys and Discount Bradys are secured as to principal at maturity by U.S. Treasury

understands that Brady bonds issued by the Additional Countries are currently traded primarily in the over-the-counter market in the United States.

The Commission is amending Rule 3a12–8 to add Brazil, Argentina, and Venezuela to the list of countries whose debt obligations are deemed to be ''exempted securities'' under the terms of the Rule. Under this amendment, the existing conditions set forth in the Rule (*i.e.*, that the underlying securities not be registered in the United States,[11] that the futures contracts require delivery outside the United States,[12] and that the contracts be traded on a board of trade) would continue to apply.

III. Discussion

For the reasons discussed below, the Commission finds that it is consistent with the public interest and the protection of investors that Rule 3a12–8 be amended to include the sovereign debt obligations of the Additional Countries. The Commission believes that the trading of futures contracts on the sovereign debt of the Additional Countries could provide U.S. investors and dealers with a vehicle for hedging the risks involved in holding debt instruments of the Additional Countries and that the sovereign debt of the Additional Countries should be subject to the same regulatory treatment under the Rule as that of the Designated Foreign Governments.

In determining whether to amend the Rule to add proposed countries, the Commission has considered whether there is an active and liquid secondary trading market in the particular sovereign debt. In this regard, the amount of outstanding sovereign debt of Brazil, Argentina, and Venezuela is large and secondary trading appears to be active and liquid. According to the CME, as of December 31, 1993, the total public and publicly guaranteed debt[13] of Brazil, Argentina, and Venezuela was approximately US$86 billion, US$55 billion, and US$74 billion, respectively.[14] Moreover, the cash market for Brady bonds issued by the Additional Countries evidences relatively active trading. Based on data provided by the CME, the total 1994 trading volume in the Brady bonds of Brazil, Argentina, and Venezuela was approximately US$371 billion, US$360 billion, and US$320 billion, respectively.[15] As is the case for all sovereign issuers, there are less actively traded sovereign debt instruments issued by the Additional Countries, but the Commission believes that as a whole the sovereign debt market for the Additional Countries is sufficiently liquid and deep for purposes of Rule 3a12–8. Accordingly, the Commission believes that it is appropriate to exempt the sovereign debt of Brazil, Argentina, and Venezuela because of the overall depth and liquidity of the existing cash market in the Additional Countries sovereign debt.

The Commission also believes that the amendment offers potential benefits for U.S. investors. As stated above, the amendment will allow U.S. boards of trade to offer in the United States, and U.S. investors to trade, a greater range of futures contracts on foreign government debt obligations. Specifically, the trading of futures on the sovereign debt of Brazil, Argentina, and Venezuela should provide U.S. investors with a vehicle for hedging the risks involved in holding positions in the underlying sovereign debt of the Additional Countries. The Commission does not anticipate that the amendment will result in any direct cost for U.S. investors or others. The amendment will impose no recordkeeping or compliance burdens, and merely would provide a limited purpose exemption under the federal securities laws. The restrictions imposed under the amendment are identical to the restrictions currently imposed under the terms of the Rule and are designed to protect U.S. investors.

In the Proposing Release the Commission solicited comment on the general application and operation of the Rule given the increased globalization of the securities markets since the Rule was adopted. The Commission intends to consider this issue further, but does not believe it should delay the inclusion of the Additional Countries in the list of countries whose debt obligations are exempted under Rule 3a12–8. Nevertheless, the Commission continues to welcome suggestions on potential restructuring of Rule 3a12–8 to adapt to the ever-increasing internationalization of the securities markets.

IV. Regulatory Flexibility Act Consideration

Chairman Levitt has certified in connection with the Proposing Release that this amendment, if adopted, would not have a significant economic impact on a substantial number of small entities. The Commission received no comments on this certification.

V. Effects on Competition and Other Findings

Section 23(a)(2) of the Exchange Act[16] requires the Commission, in adopting rules under the Exchange Act, to consider the competitive effects of such rules, if any, and to balance any impact with the regulatory benefits gained in terms of furthering the purposes of the Exchange Act. The Commission has considered the amendment to the Rule in light of the standards cited in Section 23(a)(2) and believes that adoption of the amendment will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. As stated above, the amendment is designed to assure the lawful availability in this country of futures contracts on the government debt of the Additional Countries that otherwise would not be permitted to be marketed under the terms of the CEA. The amendment thus serves to expand the range of financial products available in the United States and enhances competition in financial markets. Insofar as the Rule contains limitations, they are designed to promote the purposes of the Exchange Act by ensuring that futures trading on government securities of the Additional Countries is consistent with the goals and purposes of the federal securities

zero-coupon bonds. Additionally, usually 12 to 18 months of interest payments are also secured in the form of a cash collateral account, which is maintained to pay interest in the event that the sovereign debtor misses an interest payment.

[11] The Commission notes that while no Brady bonds issued by the Additional Countries are currently registered in the United States, certain sovereign debt issues of Argentina and Venezuela have been so registered. Futures on U.S.-registered debt securities of Argentina and Venezuela (or any sovereign debt which in the future becomes so registered) would not be deemed exempt securities under Rule 3a12–8.

[12] The CME's proposed futures contracts will be cash-settled (*i.e.*, settlement of the futures contracts will not entail delivery of the underlying securities). The Commission has recognized that a cash-settled futures contract is consistent with the requirement of the Rule that delivery must be made outside the United States. *See* Securities Exchange Act Release No. 25072 (October 29, 1987), 52 FR 42277 (November 4, 1987).

[13] Public debt is an external obligation of a public debtor, including the national government, a political subdivision (or any agency of either) and autonomous public bodies. Publicly guaranteed debt is an external obligation of a private debtor that is guaranteed for repayment by a public entity.

[14] *See* Letter from Carl A. Royal, Senior Vice President and Special Counsel, CME, to James T. McHale, Attorney, OMS, Division, Commission, dated November 30, 1995 (citing the World Bank's 1995 World Debt Tables as the source for this information) (''November 30 letter''). As mentioned earlier, the Commission recently amended the Rule to include the debt securities of Mexico. As of March 31, 1995 there was approximately US$87.5 billion face amount Mexican government debt issued and outstanding of various classes and maturities. *See* Mexico Adopting Release, *supra* note 7.

[15] *See* November 30 letter, *supra* note 14. The total 1994 dollar-based trading volume in Mexican Brady bonds was approximately US$282.3 billion. *See* Mexico Adopting Release, *supra* note 7.

[16] 15 U.S.C § 78w(a)(2).

laws by minimizing the impact of the Rule on securities trading and distribution in the United States.

Because the amendment to the Rule is exemptive in nature, the Commission has determined to make the foregoing action effective immediately upon publication in the Federal Register.[17]

VI. Statutory Basis

The amendment to Rule 3a12–8 is being adopted pursuant to 15 U.S.C. §§ 78a *et seq.*, particularly Sections 3(a)(12) and 23(a), 15 U.S.C. §§ 78c(a)(12) and 78w(a).

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Text of the Adopted Amendment

For the reasons set forth above, the Commission is amending Part 240 of Chapter II, Title 17 of the *Code of Federal Regulations* as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78i, 78j, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78w, 78x, 78*ll*(d), 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

2. Section 240.3a12–8 is amended by removing the word ''or'' at the end of paragraph (a)(1)(xv), removing the ''period'' at the end of paragraph (a)(1)(xvi) and adding ''; '' in its place, and adding paragraph (a)(1)(xvii), paragraph (a)(1)(xviii), and paragraph (a)(1)(xix) to read as follows:

§ 240.3a12–8 Exemption for designated foreign government securities for purposes of futures trading.

(a) * * *

(1) * * *

(xvii) the Federative Republic of Brazil;

(xviii) the Republic of Argentina; or

(xix) the Republic of Venezuela.

* * * * *

Dated: March 7, 1996.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–5968 Filed 3–12–96; 8:45 am]

BILLING CODE 8010–01–P

[17] 15 U.S.C. § 553(d).

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

RIN 0960–AC55

Supplemental Security Income for the Aged, Blind, and Disabled; Continuation of Full Benefit Standard for Persons Temporarily Institutionalized

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: These final rules are being issued to reflect section 3 of the Employment Opportunities for Disabled Americans Act and section 9115 of the Omnibus Budget Reconciliation Act of 1987. These statutory provisions amended the Social Security Act (the Act) to permit certain recipients to receive payments based on the full supplemental security income (SSI) benefit rate for a limited period after becoming residents of medical or psychiatric institutions.

EFFECTIVE DATE: These final rules are effective May 13, 1996.

FOR FURTHER INFORMATION CONTACT: Lawrence V. Dudar, Legal Assistant, Office of Regulations and Rulings, Social Security Administration, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1759.

SUPPLEMENTARY INFORMATION: SSI regulations generally require the suspension of SSI benefits when a recipient is a resident of a public institution throughout a month, except that the recipient may receive a reduced benefit if he or she is a resident throughout a month in a public or private institution where over 50 percent of the cost of care is paid for by Medicaid. The following legislative provisions, however, now allow for benefits based on the full SSI Federal benefit rate to continue during months of residency in an institution under certain circumstances.

Benefits Payable Based on Section 1611(e)(1)(E) of the Act

Section 3 of Public Law 99–643 (the Employment Opportunities for Disabled Americans Act) added subparagraph (E) to section 1611(e)(1) of the Act. Based on this added provision, a recipient, whose SSI eligibility is based on section 1619 (a) or (b) of the Act for the month preceding the first full month of residence in (1) a public medical or psychiatric institution or (2) a public or private institution where Medicaid is paying more than 50 percent of the cost of care, can remain eligible for an SSI benefit based on the full Federal benefit rate for up to 2 months after entering the institution. This statutory provision also provides that payment is conditioned on an agreement by the institution that these benefits are to be retained by the recipient and cannot be used to defray the cost of institutional care.

Section 1902(o) of the Act requires that all State Medicaid plans provide for disregarding any SSI payments paid by reason of section 1611(e)(1)(E) or 1611(e)(1)(G) of the Act in computing the post-eligibility contribution of the individual to the cost of care. Therefore, if the institution is receiving Medicaid payments for the recipients, we will rely on the agreement the institution signed with the State Medicaid agency to ensure that this condition is met.

Benefits Payable Based on Section 1611(e)(1)(G) of the Act

Section 9115 of Public Law 100–203 (the Omnibus Budget Reconciliation Act of 1987) added subparagraph (G) to section 1611(e)(1) of the Act. Based on this added provision, a recipient is eligible for continued benefits for up to 3 full months after entering the institution if the following conditions are met:

1. A physician certifies that the recipient's stay in the institution or facility is likely not to exceed 3 months;

2. The recipient demonstrates a need to continue to maintain and provide for the expenses of a home or other living arrangement to which he or she may return after leaving the facility; and

3. The recipient was eligible for Federal SSI cash benefits or federally administered State supplementation in the month before the month benefits would otherwise be reduced or suspended because of residence in an institution.

The following policies implement the provisions of section 1611(e)(1)(G) of the Act.

We state in these final rules at § 416.212(b) that, in order for a recipient to be eligible for these benefits, the physician's certification and the evidence of the need to pay home or living arrangement expenses must be submitted to the Social Security Administration (SSA) no later than the day of discharge or the 90th full day of confinement, whichever is earlier. We will determine the date of submission to be the date we receive it or, if mailed, the date of the postmark. This time frame for submission of the needed evidence to establish eligibility for continued payments represents what we believe is the best balance between the statutory language and Congressional intent that:

• The benefits are payable ''without interruption;''

• The physician's statement must be ''anticipatory'' (i.e., based on an *expectation* rather than accomplished fact); and,

• The Commissioner will assist recipients in establishing eligibility for the payments.

We will encourage recipients to submit the necessary evidence as early as possible to facilitate our administration of the provision.

Section 1611(e)(1)(H) allows, but does not require, the Commissioner to enter into agreements with outside agencies and organizations for making the determinations required under section 1611(e)(1)(G) or for providing information or assistance in connection with making such determinations. We are not exercising the option at this time.

Final Rules Applicable to Both Categories of Benefits

These final rules include the following policy provisions that are applicable to both categories of benefits:

1. We will compute a recipient's benefits under sections 1611(e)(1)(E) and 1611(e)(1)(G) of the Act on the basis of the permanent living arrangement used to compute benefits for the month immediately prior to the first month the recipient is otherwise subject to suspension under § 416.1325 or subject to a reduced benefit amount under § 416.414 because of residence in an institution. All the Federal income provisions (including living arrangements, in-kind support and maintenance, and deeming) applicable to the recipient's permanent living arrangement will continue to apply for the period in which benefits are payable while in the institution. This also means that we will compute the benefits as an eligible couple (instead of as two eligible individuals) for months in which either benefit is being paid to one member of the couple.

Section 1611(e)(1)(E) of the Act originally was interpreted and implemented as requiring the computation of benefits under section 1611(e)(1)(E) to be based on a living arrangement in the institution. Under such an interpretation, the section 1611(e)(1)(E) benefits were not subject to the in-kind support and maintenance and deeming of income provisions that applied before the person was institutionalized and which apply when computing benefits under section 1611(e)(1)(G). This computation could increase the benefits paid under section 1611(e)(1)(E) as compared to the benefits paid prior to institutionalization. To ensure the payment of section 1611(e)(1)(E) benefits comparable to those paid before institutionalization (and comparable to benefits payable under section 1611(e)(1)(G)), as of the effective date of the final regulations, benefits under section 1611(e)(1)(E) will be computed based on the living arrangement existing prior to institutionalization. Thus, all Federal living arrangement, in-kind support and maintenance, and deeming provisions will continue to apply for up to the first 2 full months of institutionalization.

We are delaying the effective date of the final rules for 60 days after publication in the Federal Register in order to avoid a notice problem for those individuals who already have been notified of section 1611(e)(1)(E) benefit amounts calculated under our prior practice. If the effective date were not delayed, those individuals whose first full month of institutionalization is the month in which the regulations are published and who have one remaining month of eligibility under section 1611(e)(1)(E) would not be notified timely that their benefits would be computed differently for each of the 2 months under section 1611(e)(1)(E). For those individuals, benefits for their first full month of institutionalization will be computed based on a living arrangement in the institution. Benefits for the second full month of institutionalization will be computed based on the living arrangement existing prior to institutionalization. The delayed effective date of the final rules will enable us to timely notify our field offices of the regulatory change, and will provide field office personnel with sufficient time to identify and notify the affected individuals before the effective date of the change.

We also are amending the rules on temporary absence from a living arrangement at § 416.1149 to show that these recipients are ''temporarily absent'' from their permanent living arrangement. This living arrangement as a computation basis will *not* extend past the last month that section 1611(e)(1)(E) or section 1611(e)(1)(G) benefits are payable or, if the recipient is discharged in the month following the last month of eligibility for section 1611(e)(1)(E) or section 1611(e)(1)(G) benefits, past the date of discharge. In the event the recipient remains institutionalized and becomes eligible for a reduced benefit, the temporary absence ends, and we will consider the institution as the permanent living arrangement. The computation basis will no longer include factors (e.g., deemed income) which were applicable in the recipient's last permanent living arrangement.

We are amending §§ 416.1147, 416.1149, and 416.1167 to reflect the temporary absence rules applicable to the treatment of in-kind support and maintenance and deeming of income and resources for these two types of benefits. We are also amending §§ 416.410, 416.412, 416.413, and 416.414 both to reference the extension of full benefit eligibility to institutionalized recipients under sections 1611(e)(1)(E) and 1611(e)(1)(G) and to update and include the full Federal yearly benefit rate applicable in recent years to an eligible individual, qualified individual, and an eligible couple. In § 416.212(a)(1), we substituted the word ''under'' for the phrase ''for benefits based on'' because an individual who is eligible under section 1619(b) of the Act does not receive cash benefits, but only acquires a special eligibility status for purposes of establishing or maintaining eligibility for Medicaid.

2. The new §§ 416.212(a)(2) and 416.212(c) state the policy barring reimbursement to an institution for a recipient's current maintenance (excepting, of course, reimbursement of expenditures for personal needs) from the benefits authorized under section 1611(e)(1)(E) and section 1611(e)(1)(G) of the Act.

Section 1611(e)(1)(E) prohibits payment of benefits unless the institution agrees to permit the recipient to retain any benefits paid under this section. If the institution is receiving Medicaid payments for the recipient, we rely on the agreement the institution signed with the State Medicaid agency to ensure this condition is enforced. However, section 1611(e)(1)(G) does not specifically require that the recipient be permitted to retain the benefits payable under that section, as does section 1611(e)(1)(E). The legislative history is clear, however, that Congress intended that the benefits payable under section 1611(e)(1)(G) be available for maintenance of the recipient's home or living arrangement and not for paying the institution for the cost of the recipient's current maintenance except reimbursement of expenditures for personal needs. Moreover, as noted above, section 1902(o) of the Act requires that all State Medicaid plans provide for disregarding any SSI payments paid by reason of section 1611(e)(1)(E) or 1611(e)(1)(G) of the Act in computing the post-eligibility contribution of the individual to the cost of care. Consequently, to permit institutions to secure these benefits would appear to negate the purpose of

the legislation and, in the case of Medicaid institutions, to be in conflict with section 1902(o) of the Act. Based on this intent and section 1902(o), we are extending the prohibition on the payment of benefits to, or the use of benefits by, an institution to defray current maintenance costs, except personal needs items, to benefits payable under section 1611(e)(1)(G). This prohibition concerning benefits payable under the two sections will be implemented as follows.

In view of Congressional intent that benefits payable under sections 1611(e)(1)(E) and 1611(e)(1)(G) of the Act be used for meeting expenses outside the institution, the new §§ 412.212(a)(2) and 416.212(c) provide that an institution must allow the recipient to retain those benefits. The institution can only be reimbursed for nominal costs it may have incurred for the recipient's personal needs such as personal hygiene items, snacks, and candy to the extent not covered by Medicaid. We believe that payment to the institution for these costs is not inconsistent with sections 1611(e)(1)(E) and 1611(e)(1)(G). However, reimbursement is not permitted beyond personal needs.

The current § 416.640(c) prohibits a representative payee from reimbursing an institution from SSI benefits for the current maintenance costs of an institutionalized recipient when Medicaid pays to the institution more than 50 percent of the cost of the individual's care. In the previously published notice of proposed rulemaking, we had proposed to amend § 416.640 (b) and (c) to repeat the prohibition on reimbursement for current maintenance costs (with the exception of personal needs) for recipients who are receiving benefits payable under sections 1611(e)(1)(E) and 1611(e)(1)(G). However, to avoid unnecessary duplication, we have revised § 416.640 (b) and (c) in these final regulations simply to include cross references in those sections to the new § 416.212.

3. We are amending § 416.2040 to reflect that for States whose supplementation programs are federally administered under the authority of section 1616(a) of the Act and/or section 212 of Public Law 93–66, institutionalized recipients receiving benefits under either section 1611(e)(1)(E) or section 1611(e)(1)(G) can continue to be eligible to receive the optional/mandatory State supplementary payments. In addition, a recipient who would be eligible for benefits authorized under § 416.212 but for countable income which reduces his or her Federal SSI benefit to zero may still be eligible to receive a federally administered State supplementary payment. Non-federally administered States will elect whether institutionalized beneficiaries receiving Federal benefits under either section 1611(e)(1)(E) or section 1611(e)(1)(G) will receive the same State supplementary payment they received prior to the first full month of institutionalization or the payment (if any) normally made in such circumstances.

We are extending eligibility for federally administered State supplementation to recipients receiving benefits payable under the two sections. With respect to federally administered optional State supplementation, section 1616(b)(2) of the Act provides the Commissioner with broad authority to adopt such ''. . . procedural or other general administrative provisions, as the Commissioner of Social Security finds necessary . . . to achieve efficient and effective administration of both the program which he conducts under this title and the optional State supplementation.'' The regulation at § 416.2005(d) provides similar authority for federally administered mandatory State supplements. These authorities enable SSA to administer statutory provisions that affect State supplementation in a fashion fully in accord with their underlying Congressional intent. Congress, when enacting section 1611(e)(1)(E) and section 1611(e)(1)(G), intended that recipients not be disadvantaged financially when entering an institution for a stay of short duration. To implement this intention, we consider the recipient's living arrangement as not having changed when computing the amount of the Federal benefit payable under sections 1611(e)(1)(E) and 1611(e)(1)(G). The same policies used for determining the Federal benefit will be used to determine the State supplementary payment. Thus, a recipient's living arrangement would not be considered to have changed for purposes of determining the recipient's State supplementary payment. This will ensure that the State supplementary payments payable in the month prior to the first full month of institutionalization will, subject to the income counting provisions, continue through the months of institutionalization. Thus, we believe that the policy will assist the Commissioner in achieving efficient and effective administration of both the title XVI and State supplementary payment programs, because continuing the State supplementary payments will negate the need for field office intervention, with attendant error potential.

In light of the above, it is reasonable to conclude that the Commissioner exercise discretion and require, under the authority of section 1616(b)(2) of the Act, States, whose State supplementary payments are federally administered, to continue to supplement the full benefit rate payable for months of hospitalization under both section 1611(e)(1)(E) and section 1611(e)(1)(G).

4. We are also amending § 416.1325 of subpart M in part 416 to show that benefits will not be suspended for months of residency in a public institution if the recipient is eligible for benefits payable under section 1611(e)(1)(E) or section 1611(e)(1)(G) of the Act for those months. However, this amended rule is not being included in these regulations and, instead, will be separately published as an interim final rule in final regulations which recodify Subpart M entitled: ''Suspensions, Terminations, and Advance Notice of Unfavorable Determinations.''

On September 28, 1992, we published a notice of proposed rulemaking (NPRM) at 57 FR 44519 reflecting the provisions of the Employment Opportunities for Disabled Americans Act and the Omnibus Budget Reconciliation Act of 1987 that are described above. We received two comments on the proposed regulations from State mental health agencies, both of which endorsed the regulatory changes. Therefore, the proposed rules are adopted as final regulations. However, we have made a number of minor, nonsubstantive changes to the rules as written in the NPRM, including updates on the amount of benefits payable, the change to § 416.640 which is discussed above, and a correction to a cross reference to reflect the numerical redesignation of a section. We also have deleted the benefit amounts payable in the years prior to 1994 since such information is generally not needed by the public.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they were not subject to OMB review.

Paperwork Reduction Act

These final regulations contain information collection requirements in §§ 416.212(b)(1)(iii) and

416.212(b)(1)(iv). The Social Security Administration would normally request clearance of this requirement (under the Paperwork Reduction Act) by the Office of Management and Budget (OMB). However, we are not doing so in this situation because we have already obtained OMB clearance to collect this information under OMB control number 0960–0516.

Public reporting burden for each of these collections of information is estimated to average 5 minutes per response. This includes the time it will take to read the instructions, gather the necessary facts, and provide the information requested. The respondents to the collection in paragraph (b)(1)(iii) will be physicians. The respondents to the requirement in paragraph (b)(1)(iv) will be recipients of SSI payments. We estimate that 60,000 people will provide this information yearly. The total annual burden for both information collections is therefore estimated to be 5,000 hours.

Regulatory Flexibility Act

We certify that these final regulations will not have a significant economic impact on a substantial number of small entities because they affect individuals. Therefore, a regulatory flexibility analysis, as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 93.807, Supplemental Security Income)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public Assistance programs, Supplemental Security Income (SSI), Reporting and recordkeeping requirements, Social security.

Dated: February 28, 1996.

Shirley Chater,

Commissioner of Social Security.

For the reasons set forth in the preamble, subparts B, D, F, K, and T of part 416 of chapter III of title 20 of the Code of Federal Regulations are amended as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart B—Eligibility

1. The authority citation for subpart B of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act (42 U.S.C. 902(a)(5), 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c); secs. 211 and 212, Pub. L. 93–66, 87 Stat. 154 and 155 (42 U.S.C. 1382 note); sec. 502(a), Pub. L. 94–241, 90 Stat. 268 (48 U.S.C. 1681 note); sec. 2, Pub. L. 99–643, 100 Stat. 3574 (42 U.S.C. 1382h note).

2. Section 416.202 is amended by revising paragraph (b)(4) to read as follows:

§ 416.202 Who may get SSI benefits.

* * * * *

(b) * * *

(4) A child of armed forces personnel living overseas as described in § 416.216.

* * * * *

3. Section 416.211 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 416.211 You are a resident of a public institution.

(a) *General rule.* (1) Subject to the exceptions described in paragraphs (b), (c), and (d) of this section and § 416.212, you are not eligible for SSI benefits for any month throughout which you are a resident of a public institution as defined in § 416.201. In addition, if you are a resident of a public institution when you apply for SSI benefits and meet all other eligibility requirements, you cannot be eligible for benefits until the day of your release from the institution. The amount of your SSI benefits for the month of your release will be prorated (see subpart D of this part) beginning with the date of your release.

* * * * *

(b) *Exception—SSI benefits payable at a reduced rate.* You may be eligible for SSI benefits at a reduced rate described in § 416.414, if—

(1)(i) The public institution in which you reside throughout a month is a medical care facility for which Medicaid (title XIX of the Social Security Act) pays a substantial part (more than 50 percent) of the cost of your care; or

(ii) You reside for part of a month in a public institution and the rest of the month in a public institution or private medical facility where Medicaid pays more than 50 percent of the cost of your care; and

(2) You are ineligible in that month for a benefit described in § 416.212 that is payable to a person temporarily confined in a medical facility.

* * * * *

§§ 416.212–416.215 [Redesignated as §§ 416.213–416.216]

4. Sections 416.212 through 416.215 are redesignated as §§ 416.213 through 416.216 respectively and a new § 416.212 is added to read as follows:

§ 416.212 Continuation of full benefits in certain cases of medical confinement.

(a) *Benefits payable under section 1611(e)(1)(E) of the Social Security Act.* Subject to eligibility and regular computation rules (see subparts B and D of this part), you are eligible for the benefits payable under section 1611(e)(1)(E) of the Social Security Act for up to 2 full months of medical confinement during which your benefits would otherwise be suspended because of residence in a public institution or reduced because of residence in a public or private institution where Medicaid pays over 50 percent of the cost of your care if—

(1) You were eligible under either section 1619(a) or section 1619(b) of the Social Security Act in the month before the first full month of residence in an institution;

(2) The institution agrees that no portion of these benefits will be paid to or retained by the institution excepting nominal sums for reimbursement of the institution for any outlay for a recipient's personal needs (e.g., personal hygiene items, snacks, candy); and

(3) The month of your institutionalization is one of the first 2 full months of a continuous period of confinement.

(b) *Benefits payable under section 1611(e)(1)(G) of the Social Security Act.* (1) Subject to eligibility and regular computation rules (see subparts B and D of this part), you are eligible for the benefits payable under section 1611(e)(1)(G) of the Social Security Act for up to 3 full months of medical confinement during which your benefits would otherwise be suspended because of residence in a public institution or reduced because of residence in a public or private institution where Medicaid pays over 50 percent of the cost if—

(i) You were eligible for SSI cash benefits and/or federally administered State supplementary payments for the month immediately prior to the first full month you were a resident in such institution;

(ii) The month of your institutionalization is one of the first 3 full months of a continuous period of confinement;

(iii) A physician certifies, in writing, that you are not likely to be confined for longer than 90 full consecutive days following the day you entered the institution, and the certification is submitted to SSA no later than the day of discharge or the 90th full day of confinement, whichever is earlier; and

(iv) You need to pay expenses to maintain the home or living arrangement to which you intend to return after institutionalization and

evidence regarding your need to pay these expenses is submitted to SSA no later than the day of discharge or the 90th full day of confinement, whichever is earlier.

(2) We will determine the date of submission of the evidence required in paragraphs (b)(1) (iii) and (iv) of this section to be the date we receive it or, if mailed, the date of the postmark.

(c) *Prohibition against using benefits for current maintenance.* If the recipient is a resident in an institution, the recipient or his or her representative payee will not be permitted to pay the institution any portion of benefits payable under section 1611(e)(1)(G) excepting nominal sums for reimbursement of the institution for any outlay for the recipient's personal needs (e.g., personal hygiene items, snacks, candy). If the institution is the representative payee, it will not be permitted to retain any portion of these benefits for the cost of the recipient's current maintenance excepting nominal sums for reimbursement for outlays for the recipient's personal needs.

Subpart D—Amount of Benefits

5. The authority citation for subpart D of part 416 is continues to read as follows:

Authority: Secs. 702(a)(5), 1611 (a), (b), (c), and (e), 1612, 1617, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382 (a), (b), (c), and (e), 1382a, 1382f, and 1383).

6. Section 416.410 is revised to read as follows:

§ 416.410 Amount of benefits; eligible individual.

The benefit under this part for an eligible individual (including the eligible individual receiving benefits payable under the § 416.212 provisions) who does not have an eligible spouse, who is not subject to either benefit suspension under § 416.1325 or benefit reduction under § 416.414, and who is not a qualified individual (as defined in § 416.221) shall be payable at the rate of $5,640 per year ($470 per month) effective for the period beginning January 1, 1996. This rate is the result of a 2.6 percent cost-of-living adjustment (see § 416.405) to the December 1995 rate. For the period January 1, through December 31, 1995, the rate payable, as increased by the 2.8 percent cost-of-living adjustment, was $5,496 per year ($458 per month). For the period January 1, through December 31, 1994, the rate payable, as increased by the 2.6 percent cost-of-living adjustment, was $5,352 per year ($446 per month). The monthly rate is reduced by the amount of the individual's income which is not excluded pursuant to subpart K of this part.

7. Section 416.412 is revised to read as follows:

§ 416.412 Amount of benefits; eligible couple.

The benefit under this part for an eligible couple (including couples where one or both members of the couple are receiving benefits payable under the § 416.212 provisions), neither of whom is subject to suspension of benefits based on § 416.1325 or reduction of benefits based on § 416.414 nor is a qualified individual (as defined in § 416.221) shall be payable at the rate of $8,460 per year ($705 per month), effective for the period beginning January 1, 1996. This rate is the result of a 2.6 percent cost-of-living adjustment (see § 416.405) to the December 1995 rate. For the period January 1, through December 31, 1995, the rate payable, as increased by the 2.8 percent cost-of-living adjustment, was $8,224 per year ($687 per month). For the period January 1, through December 31, 1994, the rate payable, as increased by the 2.6 percent cost-of-living adjustment, was $8,028 per year ($669 per month). The monthly rate is reduced by the amount of the couple's income which is not excluded pursuant to subpart K of this part.

8. Section 416.413 is revised to read as follows:

§ 416.413 Amount of benefits; qualified individual.

The benefit under this part for a qualified individual (defined in § 416.221) is payable at the rate for an eligible individual or eligible couple plus an increment for each essential person (defined in § 416.222) in the household, reduced by the amount of countable income of the eligible individual or eligible couple as explained in § 416.420. A qualified individual will receive an increment of $2,820 per year ($235 per month), effective for the period beginning January 1, 1996. This rate is the result of the 2.6 percent cost-of-living adjustment (see § 416.405) to the December 1995 rate, and is for each essential person (as defined in § 416.222) living in the household of a qualified individual. (See § 416.532.) For the period January 1, through December 31, 1995, the rate payable, as increased by the 2.8 percent cost-of-living adjustment, was $2,748 per year ($229 per month). For the period January 1, through December 31, 1994, the rate payable, as increased by the 2.6 percent cost-of-living adjustment, was $2,676 per year ($223 per month). The total benefit rate, including the increment, is reduced by the amount of the individual's or couple's income that is not excluded pursuant to subpart K of this part.

9. Section 416.414 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 416.414 Amount of benefits; eligible individual or eligible couple in a medical care facility.

(a) *General rule.* Except where the § 416.212 provisions provide for payment of benefits at the rates specified under §§ 416.410 and 416.412, reduced SSI benefits are payable to persons and couples who are in medical care facilities where more than 50 percent of the cost of their care is paid by a State plan under title XIX of the Social Security Act (Medicaid). This reduced SSI benefit rate also applies to persons who are in medical care facilities where more than 50 percent of the cost would have been paid by an approved Medicaid State plan but for the application of section 1917(c) of the Social Security Act due to a transfer of assets for less than fair market value. Persons and couples to whom these reduced benefits apply are—

* * * * *

Subpart F—Representative Payment

10. The authority citation for subpart F of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1631 (a)(2) and (d)(1) of the Social Security Act (42 U.S.C. 902(a)(5) and 1383 (a)(2) and (d)(1)).

11. Section 416.640 is amended by revising paragraphs (b) and (c) to read as follows:

§ 416.640 Use of benefit payments.

* * * * *

(b) *Institution not receiving Medicaid funds on beneficiary's behalf.* If a beneficiary is receiving care in a Federal, State, or private institution because of mental or physical incapacity, current maintenance will include the customary charges for the care and services provided by an institution, expenditures for those items which will aid in the beneficiary's recovery or release from the institution, and nominal expenses for personal needs (e.g., personal hygiene items, snacks, candy) which will improve the beneficiary's condition. Except as provided under § 416.212, there is no restriction in using SSI benefits for a beneficiary's current maintenance in an institution. Any payments remaining from SSI benefits may be used for a temporary period to maintain the

beneficiary's residence outside of the institution unless a physician has certified that the beneficiary is not likely to return home.

Example: A hospitalized disabled beneficiary is entitled to a monthly benefit of $264. The beneficiary, who resides in a boarding home, has resided there for over 6 years. It is doubtful that the beneficiary will leave the boarding home in the near future. The boarding home charges $215 per month for the beneficiary's room and board.

The beneficiary's representative payee pays the boarding home $215 (assuming an unsuccessful effort was made to negotiate a lower rate during the beneficiary's absence) and uses the balance to purchase miscellaneous personal items for the beneficiary. There are no benefits remaining which can be conserved on behalf of the beneficiary. The payee's use of the benefits is consistent with our guidelines.

(c) *Institution receiving Medicaid funds on beneficiary's behalf.* Except in the case of a beneficiary receiving benefits payable under § 416.212, if a beneficiary resides throughout a month in an institution that receives more than 50 percent of the cost of care on behalf of the beneficiary from Medicaid, any payments due shall be used only for the personal needs of the beneficiary and not for other items of current maintenance.

Example: A disabled beneficiary resides in a hospital. The superintendent of the hospital receives $30 per month as the beneficiary's payee. The benefit payment is disbursed in the following manner, which would be consistent with our guidelines:

Miscellaneous canteen items	$10
Clothing	15
Conserved for future needs of the beneficiary	5

* * * * *

Subpart K—Income

12. The authority citation for subpart K of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

13. Section 416.1147 is amended by revising paragraphs (b) and (d) to read as follows:

§ 416.1147 How we value in-kind support and maintenance for a couple.

* * * * *

(b) *One member of a couple lives in another person's household and receives food and shelter from that person and the other member of the couple is in a medical institution.* (1) If one of you is living in the household of another person who provides you with both food and shelter, and the other is temporarily absent from the household as provided in § 416.1149(c)(1) (in a medical institution that receives substantial Medicaid payments for his or her care (§ 416.211(b))), and is ineligible in the month for either benefit payable under § 416.212, we compute your benefits as if you were separately eligible individuals (see § 416.414(b)(3)). This begins with the first full calendar month that one of you is in the medical institution. The one living in another person's household is eligible at an eligible individual's Federal benefit rate and one-third of that rate is counted as income not subject to any income exclusions. The one in the medical institution cannot receive more than the reduced benefit described in § 416.414(b)(3)(i).

(2) If the one member of the couple in the institution is eligible for one of the benefits payable under the § 416.212 provisions, we compute benefits as a couple at the rate specified under § 416.412. However, if that one member remains in the institution for a full month after expiration of the period benefits based on § 416.212 can be paid, benefits will be computed as if each person were separately eligible as described under paragraph (c)(1) of this section. This begins with the first calendar month after expiration of the period benefits based on § 416.212 can be paid.

* * * * *

(d) *One member of a couple is subject to the presumed value rule and the other member is in a medical institution.*

(1) If one of you is subject to the presumed value rule and the other is temporarily absent from the household as provided in § 416.1149(c)(1) (in a medical institution that receives substantial Medicaid payments for his or her care (§ 416.211(b))), and is ineligible in that month for either benefit payable under § 416.212, we compute your benefits as if both members of the couple are separately eligible individuals (see § 416.414(b)(3)). This begins with the first full calendar month that one of you is in the medical institution (see § 416.211(b)). We value any food, clothing, or shelter received by the one outside of the medical institution at one-third of an eligible individual's Federal benefit rate, plus the amount of the general income exclusion (§ 416.1124(c)(12)), unless you can show that their value is less as described in § 416.1140(a)(2). The member of the couple in the medical institution cannot receive more than the reduced benefit described in § 416.414(b)(3)(i).

(2) If one of you is subject to the presumed value rule and the other in the institution is eligible for one of the benefits payable under § 416.212, we compute the benefits as a couple at the rate specified under § 416.412. However, if the one in the institution remains in the institution after the period benefits based on § 416.212 can be paid, we will compute benefits as if each member of the couple were separately eligible as described in paragraph (d)(1) of this section.

14. Section 416.1149 is amended by revising paragraphs (a) and (c)(1) to read as follows:

§ 416.1149 What is a temporary absence from your living arrangement.

(a) *General.* A temporary absence may be due to employment, hospitalization, vacations, or visits. The length of time an absence can be temporary varies depending on the reason for your absence. For purposes of valuing in-kind support and maintenance under §§ 416.1130 through 416.1148, we apply the rules in this section. In general, we will find a temporary absence from your permanent living arrangement if you (or you and your eligible spouse)–

(1) Become a resident of a public institution, or a public or private medical care facility where over 50 percent of the cost of care is paid by Medicaid, and are eligible for the benefits payable under § 416.212; or

(2) Were in your permanent living arrangement for at least 1 full calendar month prior to the absence and intend to, and do, return to your permanent living arrangement in the same calendar month in which you (or you and your spouse) leave, or in the next month.

* * * * *

(c) *Rules for temporary absence in certain circumstances.*

(1)(i) If you enter a medical care facility that receives substantial Medicaid payments for your care (as described in § 416.211(b)) and you are not eligible for either benefit payable under § 416.212 (and you have not received such benefits during your current period of confinement) and you intend to return to your prior living arrangement (and you are eligible for the reduced benefits payable under § 416.414 for full months in the facility), we consider this a temporary absence regardless of the length of your stay in the facility. We use the rules that apply to your permanent living arrangement to value any food, clothing, or shelter you receive during the month (for which reduced benefits under § 416.414 are not payable) you enter or leave the facility.

During any full calendar month you are in the medical care facility, you cannot receive more than the Federal benefit rate described in § 416.414(b)(1). We do not consider food or shelter provided during a medical confinement to be income.

(ii) If you enter a medical care facility and you are eligible for either benefit payable under § 416.212, we also consider this a temporary absence from your permanent living arrangement. We use the rules that apply to your permanent living arrangement to value any food, clothing, or shelter you receive during the month you enter the facility and throughout the period you are eligible for these benefits. We consider your absence to be temporary through the last month benefits under § 416.212 are paid unless you are discharged from the facility in the following month. In that case, we consider your absence to be temporary through the date of discharge.

* * * * *

15. Section 416.1167 is amended by revising paragraph (a) to read as follows:

§ 416.1167 Temporary absences and deeming rules.

(a) *General.* During a temporary absence, we continue to consider the absent person a member of the household. A temporary absence occurs when—

(1) You, your ineligible spouse, parent, or an ineligible child leaves the household but intends to and does return in the same month or the month immediately following; or

(2) You enter a medical care facility and are eligible for either benefit payable under § 416.212. We consider your absence to be temporary through the last month benefits under § 416.212 were paid unless you were discharged from the facility in the following month. In that case, we consider your absence to be temporary through the date of discharge.

* * * * *

Subpart T—State Supplementation Provisions; Agreement; Payments

16. The authority citation for subpart T of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1616, 1618, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382e, 1382g, and 1383); sec. 212, Pub. L. 93–66, 87 Stat. 155 (42 U.S.C. 1382 note); sec. 8 (a), (b)(1)–(b)(3), Pub. L. 93–233, 87 Stat. 956 (7 U.S.C. 612c note, 1431 note and 42 U.S.C. 1382e note); secs. 1 (a)–(c) and 2(a), 2(b)(1), 2(b)(2), Pub. L. 93–335, 88 Stat. 291 (42 U.S.C. 1382 note, 1382e note).

17. Section 416.2040 is amended by revising paragraph (a) and adding a new paragraph (c) to read as follows:

§ 416.2040 Limitations on eligibility.

* * * * *

(a) *Inmate of public institution.* A person who is a resident in a public institution for a month, is ineligible for a Federal benefit for that month under the provision of § 416.211(a), and does not meet the requirements for any of the exceptions in § 416.211 (b), (c), or (d), or § 416.212, also shall be ineligible for a federally administered State supplementary payment for that month.

* * * * *

(c) *Recipient eligible for benefits under § 416.212.* A recipient who is institutionalized and is eligible for either benefit payable under § 416.212 for a month or months may also receive federally administered State supplementation for that month. Additionally, a recipient who would be eligible for benefits under § 416.212 but for countable income which reduces his or her Federal SSI benefit to zero, may still be eligible to receive federally administered State supplementation.

[FR Doc. 96–5705 Filed 3–12–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 90N–0134]

RIN 0910–AA19

Food Labeling: Reference Daily Intakes; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the Federal Register of December 28, 1995 (60 FR 67164). The final rule amended FDA regulations to establish Reference Daily Intakes (RDI's) for vitamin K, selenium, manganese, chromium, molybdenum, and chloride, but not for fluoride. The document was published with some typographical errors. This document corrects those errors.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Camille E. Brewer, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5483.

In FR Doc. 95–31197, appearing on page 67164 in the Federal Register of Thursday, December 28, 1995, the following corrections are made:

1. On page 67167, in the second column, in lines three, five, seven, and eight, ''mg'' is corrected to read ''μg.''

§ 101.36 Corrected

2. On page 67175, in the second column, in § 101.36(b)(3)(ii), in line fourteen, ''vitamin B6'' is corrected to read ''vitamin B_6'', and ''vitamin B12'' is corrected to read ''vitamin B_{12}''.

Dated: March 7, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–6029 Filed 3–12–96; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 0E3889, 2E4113, and 5E4538/R2210; FRL–5352–8]

RIN 2070–AC78

Chlorothalonil; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document establishes tolerances for combined residues of the fungicide chlorothalonil and it metabolite in or on the raw agricultural commodities blueberries, filberts, and mushrooms. The Interregional Research Project No. 4 (IR-4) requested the regulation to establish a maximum permissible level for residues of the fungicide pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA).

EFFECTIVE DATE: This regulation becomes effective March 13, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 0E3889, 2E4113, and 5E4538/R2210], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be

identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 0E3889, 2E4113, and 5E4538/R2210]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202. (703) 308-8783, e-mail: jamerson.hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 24, 1996 (61 FR 1884), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, New Brunswick, NJ 08903, had submitted pesticide petitions (PP) 0E3889, 2E4113, and 5E4538 to EPA on behalf of the named Agricultural Experiment Stations. These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) amend 40 CFR 180.275 by establishing tolerances for combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on certain raw agricultural commodities, as follows:

1. *PP 0E3889.* Petition submitted on behalf of the Agricultural Experiment Stations of Florida, Georgia, Kentucky, Louisiana, Michigan, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Washington proposing a tolerance for blueberries at 1.0 part per million (ppm).

2. *PP 2E4113.* Petition submitted on behalf of the Oregon Agricultural Experiment Station proposing a tolerance for filberts at 0.1 ppm. The petitioner proposed that use of chlorothalonil on filberts be limited to Oregon based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

3. *PP 5E4538.* Petition submitted on behalf of the Pennsylvania Agricultural Experiment Station proposing a tolerance for mushrooms at 1.0 ppm.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the proposals and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP0E3889, 2E4113, and 5E4538/R2210] (including any objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document number [PP 0E3889, 2E4113, and 5E4538/R2210], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines ''a

significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 27, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.275, by amending the table in paragraph (a) by adding alphabetically the raw agricultural commodities blueberries and mushrooms and by amending the table in paragraph (b), by adding alphabetically the raw agricultural commodity filberts to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * *	*
Blueberries	1.0
* * * *	*
Mushrooms	1.0
* * * *	*

(b) * * *

Commodities	Parts per million
* * * *	*
Filberts	0.1
* * * *	*

[FR Doc. 96–5536 Filed 3–12–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[OPP–300402A; FRL–4993–3]

RIN 2070–AB78

3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl)Benzamide; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has completed the reregistration process and issued a Reregistration Eligibility Decision (RED) document for the pesticide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide, also known as pronamide. In the reregistration process, all information to support a pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessments for the pesticide chemical subject to this rule, EPA is issuing the following tolerance actions: to delete individual tolerances and establish crop-grouping tolerances, raise some tolerances and lower others, amend an incorrectly listed tolerance, and modify the statment under 40 CFR 180.317 for the pesticide pronamide.

EFFECTIVE DATE: This regulation becomes effective March 13, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [OPP-300402A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to:opp-docket@epamail.epa.gov.

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [OPP-300402A]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Philip Poli, (703)-308-8038; e-mail: poli.philip@epamail.epa.gov. By mail: Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, Crystal Station #1, 3rd Floor, 2800 Crystal Drive, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of November 15, 1995 (60 FR 57379), which announced that based on a Reregistration Eligibility Decision (RED) for the pesticide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide, also known as pronamide, the Agency intended to revise 40 CFR 180.317 to delete individual tolerances and establish crop-grouping tolerances (as described in 40 CFR 180.34), raise some tolerances

and lower others, amend an incorrectly listed tolerance (for sheep meat), and modify the tolerance expression for pronamide to clarify which metabolites are determined by the enforcement methods and are included in the tolerance expression.

The following comments were received by the Agency in response to the proposed rule published in the Federal Register of November 15, 1995 (60 FR 57379):

1. *Oral comments by the Interregional Project No. 4 (IR-4).* The Interregional Project No. 4 (IR-4) requested that the Agency acknowledge that IR-4 petitioned EPA for tolerances for pronamide on stone fruits and nongrass animal feeds. IR-4 wanted it to be known that at the time the tolerances were being proposed in the Federal Register of November 15, 1995, IR-4 tolerance petitions for the stone fruits and nongrass animal feed crop groups were pending with the Agency.

Agency response. The Agency proposed these and other tolerance actions for pronamide in the Federal Register of November 15, 1995 (60 FR 57379). This final rule endorses both petition 3E4190, which was submitted by IR-4 on behalf of the agricultural experiment station of Washington State, and petition 5E4525 submitted by IR-4 on behalf of the agricultural experiment station of Oregon State.

2. *Comments from Rohm and Haas Company.* A comment was received by the Agency from Rohm and Haas Company concerning the addition of radicchio greens (tops) to the list of approved commodities specified in the proposed Federal Register notice of November 15, 1995 (60 FR 57379).

Agency response. In the Federal Register of October 26, 1994 (59 FR 53771), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4) had submitted pesticide petition PP 0E3907 to EPA on behalf of the agricultural experiment station of California. The petition requested that EPA approve pronamide and its metabolites for use in or on the raw agricultural commodity radicchio greens (tops) at 2.0 parts per million (ppm). This regulation became effective with the publication of the Federal Register notice of January 25, 1995 (60 FR 4862). Therefore, ''radicchio'' greens (tops) at a tolerance of 2.0 ppm will be added alphabetically into the list of commodities at 40 CFR 180.317(a).

The data considered with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

EPA has established a record for this rulemaking under docket number [OPP-300402A] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 5, 1996.

Richard D. Schmitt,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By revising § 180.317, to read as follows:

§ 180.317 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.

(a) Tolerances are established for combined residue of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide and its metabolites (containing the 3,5-dichlorobenzoyl moiety and calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide) in or on the following raw agricultural commodities:

Commodity	Parts per million
Apples	0.1
Artichokes	0.1
Blackberries	0.05
Blueberries	0.05
Boysenberries	0.05
Cattle, fat	0.02
Cattle, kidney	0.4
Cattle, liver	0.4
Cattle, mbyp (except kidney, liver)	0.02
Cattle, meat	0.02
Eggs	0.02
Endive (escarole)	1.0
Goats, fat	0.02
Goats, kidney	0.4
Goats, liver	0.4
Goats, mbyp (except kidney, liver)	0.02
Goats, meat	0.02
Grapes	0.1
Hogs, fat	0.02
Hogs, kidney	0.4
Hogs, liver	0.4
Hogs, mbyp (except kidney, liver)	0.02
Hogs, meat	0.02
Horses, fat	0.02
Horses, kidney	0.4
Horses, liver	0.4
Horses, mbyp (except kidney, liver)	0.02
Horses, meat	0.02
Lettuce	1.0
Milk	0.02
Nongrass animal feeds	10.0
Pears	0.1
Poultry, fat	0.02
Poultry, kidney	0.2
Poultry, liver	0.2
Poultry, mbyp (except kidney, liver)	0.02
Poultry, meat	0.02
Radicchio, greens (tops)	2.0
Raspberries	0.05
Sheep, fat	0.02
Sheep, kidney	0.4
Sheep, liver	0.4
Sheep, mbyp (except kidney, liver)	0.02
Sheep, meat	0.02
Stone fruits	0.1

(b) Tolerances with regional registration are established for the combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide and its metabolites (containing the 3,5 dichlorobenzoyl moiety and calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide) in or on the following raw agricultural commodities:

Commodity	Parts per million
Peas, dried (winter)	0.05
Rhubarb	0.1

[FR Doc. 96–5986 Filed 3–12–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95–171; RM–8724]

Radio Broadcasting Services; Jackson, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Summit Radio and 1530, LLC, allots Channel 227C at Jackson, Wyoming, as the community's third local commercial FM transmission service. *See* 60 FR 62060, December 4, 1995. Channel 227C can be allotted to Jackson in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 227C at Jackson are North Latitude 43–28–42 and West Longitude 110–45–42. With this action, this proceeding is terminated.

DATES: Effective April 22, 1996. The window period for filing applications will open on April 22, 1996 and close on May 23, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95–171, adopted February 28, 1996, and released March 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Channel 227C at Jackson.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–5897 Filed 3–12–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–160; RM–8710]

Radio Broadcasting Services; Kewanee, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Virden Broadcasting Corporation, substitutes Channel 230A for Channel 221A at Kewanee, Illinois, and modifies Station WJRE(FM)'s license accordingly. *See* 60 FR 55820, November 3, 1995. Channel 230A can be allotted at Kewanee in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.8 kilometers (0.5 miles) west at petitioner's requested site. The coordinates for Channel 230A at Kewanee are North Latitude 41–14–15 and West Longitude 89–56–15. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 22, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 95–160, adopted February 26, 1996, and released March 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Channel 230A and by removing Channel 221A at Kewanee.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–5896 Filed 3–12–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF DEFENSE

48 CFR Part 206

Defense Federal Acquisition Regulation Supplement; Justification and Approval Thresholds

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Department of Defense is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise procedures pertaining to approval for the use of other than full and open competition in the acquisition process.

EFFECTIVE DATE: April 12, 1996.

FOR FURTHER INFORMATION CONTACT: Rick Layser, OUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington DC 20301–3062, Telephone (703) 602–0131. Telefax (703) 602–0350. Please cite DFARS Case 96–D307.

SUPPLEMENTARY INFORMATION:

A. Background

Section 4102 of the FY 1996 Defense Authorization Act (Public Law 104–106) amends 10 U.S.C. 2304(f)(1)(B) and 41 U.S.C. 253(f)(1)(B) to raise the dollar thresholds at which approval for the use of other than full and open competition must be obtained from the competition advocate, the head of the procuring activity, or the senior procurement executive. Section 4102 provides for approval of the justification for other than full and open competition by (1) the competition advocate, for proposed contracts over $500,000 but not exceeding $10,000,000; (2) the head of the procuring activity, or designee, for proposed contracts over $10,000,000 but not exceeding $50,000,000; and (3) the senior procurement executive, for proposed contracts over $50,000,000. The Director of Defense Procurement has authorized a class deviation from section 6.304 of the Federal Acquisition Regulation to reflect the revised approval thresholds. This corresponding DFARS rule revises procedures for approval of justifications for proposed contracts over $50,000,000.

B. Regulatory Flexibility Act

The rule does not constitute a significant DFARS revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected DFARS Subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 96–D307 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose any new recordkeeping, information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 206

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 206 is amended as follows:

PART 206—COMPETITION REQUIREMENTS

1. The authority citation for 48 CFR Part 206 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Section 206.304 is revised to read as follows:

206.304 Approval of the justification.

(a)(4) The Under Secretary of Defense (Acquisition & Technology) may delegate this authority to—

(A) An Assistant Secretary of Defense; or

(B) For a defense agency, an officer or employee serving in, assigned, or detailed to that agency who—

(1) If a member of the armed forces, is serving in a rank above brigadier general or rear admiral (lower half); or

(2) If a civilian, is serving in a position with a grade under the General Schedule (or any other schedule for civilian officers or employees) that is comparable to or higher than rear admiral.

[FR Doc. 96–6000 Filed 3–12–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 951116270–5038–02; I.D. 030196D]

Summer Flounder Fishery; Commercial Quota Harvested for Maine

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Commercial quota harvest.

SUMMARY: NMFS issues this notification announcing that the summer flounder commercial quota available to the State of Maine has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Maine for the remainder of calendar year 1996, unless additional quota becomes available through a transfer from another state that has not reached its annual quota. Regulations governing the summer flounder fishery require publication of this notification to advise the State of Maine that the quota has been harvested and to advise vessel and dealer permit holders that no

commercial quota is available for landing summer flounder in Maine.

EFFECTIVE DATE: March 7, 1996, through December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Lucy Helvenston, 508–281–9347.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 625.20.

The total commercial quota for summer flounder for the 1996 calendar year is set equal to 11,111,298 lb (5,040,000 kg) (January 4, 1996, 61 FR 291). The percent allocated to vessels landing summer flounder in Maine is 0.04756 percent, or 5,284 lb (2,397 kg).

Section 625.21(c) requires the Director, Northeast Region, NMFS (Regional Director), to monitor state commercial quotas and to determine when a state commercial quota is harvested. The Regional Director is further required to publish an announcement in the Federal Register advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. Because the available information indicates that the State of Maine has attained its quota for 1996, the Regional Director has determined, based on dealer reports and other available information, that the State's commercial quota has been harvested.

The regulations at § 625.4(a)(3) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Director has determined no longer has commercial quota available. Therefore, effective 0001 hours on March 7, 1996, further landings of summer flounder in Maine by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1996 calendar year, unless additional quota becomes available through a transfer from another state that has not reached its annual quota, and is announced in the Federal Register. Federally permitted dealers are also advised that, effective the date above, they may not purchase summer flounder from federally permitted vessels that land in Maine for the remainder of the calendar year, or until additional quota becomes available through another state.

Classification

This action is required by 50 CFR part 625 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 6, 1996.

Donald J. Leedy,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–5891 Filed 3–7–96; 5:07 pm]

BILLING CODE 3510–22–F

50 CFR Part 625

[I.D. 022996D]

Summer Flounder Fishery; Commercial Quota Transfer from North Carolina to Virginia

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, (NOAA), Commerce.

ACTION: Commercial quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring 5,773 lb (2,619 kg) of commercial summer flounder quota to the Commonwealth of Virginia. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

EFFECTIVE DATE: March 12, 1996.

FOR FURTHER INFORMATION CONTACT: Lucy Helvenston, 508–281–9347.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 625.20.

The commercial quota for summer flounder for the 1996 calendar year was set equal to 11,111,298 lb (5,040,000 kg), and the allocations to each state were published January 4, 1996 (61 FR 291). At that time, the State of North Carolina was allocated a quota of 3,049,589 lb (1,383,270 kg) and the Commonwealth of Virginia was allocated a quota of 2,368,569 lb (1,074,365 kg).

The final rule implementing Amendment 5 to the FMP was published December 17, 1993 (58 FR 65936), and allows two or more states, under mutual agreement and with the concurrence of the Director, Northeast Region, NMFS, (Regional Director) to transfer or combine summer flounder commercial quota. The Regional Director is required to consider the criteria set forth in § 625.20(f)(1), in the evaluation of requests for quota transfers or combinations.

The State of North Carolina has agreed to transfer 5,773 lb (2,619 kg) of commercial quota to the Commonwealth of Virginia. The Regional Director has determined that the criteria set forth in § 625.20(f)(1) have been met, and hereby publishes this notification of quota transfers. The revised quotas for the calendar year 1996 are: North Carolina, 3,043,816 lb (1,380,652 kg); and Virginia, 2,374,342 lb (1,076,983 kg).

This action does not alter any of the conclusions reached in the environmental impact statement prepared for Amendment 2 to the FMP regarding the effects of summer flounder fishing activity on the human environment. Amendment 2 established procedures for setting an annual coastwide commercial quota for summer flounder and a formula for determining commercial quotas for each state. The quota transfer provision was established by Amendment 5 to the FMP and the environmental assessment prepared for Amendment 5 found that the action had no significant impact on the environment. Under sections 6.02b.3(b)(i)(aa) and (ii)(aa) of NOAA Administrative Order 216–6, this action is categorically excluded from the requirement to prepare additional environmental analyses. This is a routine administrative action that reallocates commercial quota within the scope of previously published environmental analyses.

Classification

This action is taken under 50 CFR part 625 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 6, 1996.

Donald J. Leedy,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–5894 Filed 3–12–96; 8:45 am]

BILLING CODE 3510–22–F

50 CFR Part 672

[Docket No. 960129018–6018–01; I.D. 030896B]

Groundfish of the Gulf of Alaska; Pacific Cod for Processing by the Offshore Component

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific cod for processing by the offshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the allocation of Pacific cod for processing by the offshore component in the Western Regulatory Area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), March 9, 1996, until 2359 hrs, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

In accordance with § 672.20(c)(1)(ii)(B), the allocation of Pacific cod for processing by the offshore component in the Western Regulatory Area was established by the Final 1996 Harvest Specifications for Groundfish (61 FR 4304, February 5, 1996) as 1,885 metric tons (mt).

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the allocation of Pacific cod total allowable catch for processing by the offshore component in the Western Regulatory Area soon will be reached. The Regional Director established a directed fishing allowance of 1,785 mt, with consideration that 100 mt will be taken as incidental catch in directed fishing for other species in the Western Regulatory Area. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 8, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–6016 Filed 3–8–96; 2:16 pm]

BILLING CODE 3510–22–F

50 CFR Part 675

[Docket No. 960129019–6019–01; I.D. 030796E]

Groundfish of the Bering Sea and Aleutian Islands Area; Inshore Component Pollock in the Aleutian Islands Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the inshore component in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first allowance of the pollock total allowable catch (TAC) for vessels catching pollock for processing by the inshore component in the AI.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 10, 1996, until 12 noon, A.l.t., April 15, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii), the first allowance of pollock for the inshore component in the AI was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) as 10,591 metric tons (mt).

The Director, Alaska Region, NMFS (Regional Director), has determined in accordance with § 675.20(a)(8), that the first allowance of pollock TAC for vessels catching pollock for processing by the inshore component in the AI soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 10,091 mt with consideration that 500 mt will be taken as incidental catch in directed fishing for other species in the AI. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the inshore component in the AI. This closure is effective noon, A.l.t., March 10, 1996, through noon, A.l.t., April 15, 1996. Under § 675.20(a)(2)(ii), the second allowance is available from noon, A.l.t., August 15 through the end of the fishing year.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under § 675.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 8, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–6014 Filed 3–8–96; 2:16 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 61, No. 50
Wednesday, March 13, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1131

[DA–96–03]

Milk in the Central Arizona Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This document invites written comments on a proposal to suspend certain provisions of the Central Arizona Federal milk marketing order for an indefinite period beginning April 1, 1996. The proposed suspension would continue a suspension which expires on March 31, 1996, that eliminates the requirement that a cooperative association ship at least 50 percent of its receipts to other handler pool plants to maintain pool status of a manufacturing plant operated by the cooperative. United Dairymen of Arizona, a cooperative association that represents nearly all of the producers who supply milk to the market, has requested continuation of the suspension. The cooperative asserts that the suspension is necessary to prevent uneconomical and inefficient movements of milk.

DATES: Comments are due no later than March 20, 1996.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9368.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the suspension of the following provision of the order regulating the handling of milk in the Central Arizona marketing area is being considered for an indefinite period beginning April 1, 1996:

In § 1131.7(c), the words ''50 percent or more of,'' ''(including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in excess of the skim milk and butterfat contained in member producer milk actually received at such plant)'' and ''or the previous 12-month period ending with the current month.''

All persons who want to submit written data, views or arguments about the proposed suspension should send two copies of their views to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the Federal Register. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures before the requested suspension is to be effective.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed rule would continue to suspend certain provisions of the Central Arizona order for an indefinite period beginning April 1, 1996. The proposed suspension would continue to remove the requirement that a cooperative association which operates a manufacturing plant in the marketing area must ship at least 50 percent of its milk supply during the current month or the previous 12-month period ending with the current month to other handlers' pool plants to maintain the pool status of its manufacturing plant.

The order permits a cooperative association's manufacturing plant, located in the marketing area, to be a pool plant if at least 50 percent of the producer milk of members of the cooperative association is physically received at pool plants of other handlers during the current month or the previous 12-month period ending with the current month.

Continuation of the current suspension was requested by United Dairymen of Arizona (UDA), a cooperative association that represents nearly all of the dairy farmers who supply the Central Arizona market. UDA contends that the continued pool status of their manufacturing plant is threatened if the suspension is not continued. UDA states that the same marketing conditions that warranted the

suspension last year still exist. UDA maintains that members who increased their milk production to meet the projected demands of fluid handlers for distribution into Mexico continue to suffer the adverse impact of the collapse of the Mexican peso. Absent a suspension, UDA projects that costly and inefficient movements of milk would have to be made to maintain pool status of producers who have historically supplied the market and to prevent disorderly marketing in the Central Arizona marketing area.

Accordingly, it may be appropriate to suspend the aforesaid provisions beginning April 1, 1996, for an indefinite period.

List of Subjects in 7 CFR Part 1131

Milk marketing orders.

The authority citation for 7 CFR Part 1131 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Dated: March 7, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96–5933 Filed 3–12–96; 8:45 am]

BILLING CODE 3410–02–P

Commodity Credit Corporation

7 CFR Part 1427

RIN 0506–AE51

Upland Cotton User Marketing Certificate Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends the regulations to set the payment rate for exporters under the user marketing certificate program on the date it is determined by the Commodity Credit Corporation the cotton is shipped. The new method for rate-setting would be effective on the day the final rule is published. Comments are requested on this change.

DATES: Comments on the proposed rule, as well as comments on alternatives to this proposal, must be received on or before April 12, 1996 to be assured of consideration.

ADDRESSES: Submit comments on the proposed rule to: Director, Fibers Analysis Division (FAD), Farm Service Agency (FSA), U.S. Department of Agriculture (USDA), room 3758–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415. Comments on the information collection must be sent to the Office of Management and Budget (OMB) at the address listed in the Paperwork Reduction Act section of this preamble. A copy of these comments may also be sent to the Department representative at the address shown following the OMB address.

FOR FURTHER INFORMATION CONTACT: Wayne Bjorlie, Director, FAD, FSA, USDA, room 3758–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–6734. A cost benefit analysis of this rule is available on request.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be significant and was reviewed by OMB under Executive Order 12866.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule because the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

Environmental Evaluation

It has been determined by environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Federal Assistance Program

The titles and numbers of the Federal Assistance Programs, as found in the catalog of Federal Domestic Assistance, to which this proposed rule applies are: Commodity Loans and Purchases—10.051 and Cotton Production Stabilization—10.052.

Executive Order 12778

This rule has been reviewed in accordance with Executive Order 12778. The provisions of the rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Background

Since the user marketing certificate (Step 2) program began, the payment rate for exporters has been the subject of discussion and controversy, particularly with regard to the bunching of export sales registrations during a week following a period of zero payment rates or a week when the continuing availability of the payments is particularly uncertain. All segments of the cotton industry have expressed interest in making changes. Whereas Step 2 may have been conceived as a program to provide regular payments to exporters based on actual sales made according to historical timing patterns, in reality the existence of the payments has changed the timing of the sales. Bunching of registrations refers to the practice of registering large volumes of cotton export sales with CCC whenever there is a reasonable expectation that such action will capture a larger than average payment rate or a rate which may be available for only a short time. Bunching has occurred because the payment rate has been fixed for the exporter as of the date the sale is registered with CCC. The proposed rule would amend the regulations to set the payment rate for exporters under the user marketing certificate program on the date on which it is determined by CCC that the cotton is shipped, rather than the date on which the sale is registered with CCC. Thus, there would no longer be an incentive to sell large volumes of cotton in advance solely in order to register the sales with CCC and capture a larger payment rate. Under the proposed rule, the rate could not be captured in that way.

Regulations covering payment rate determinations for cotton contracted by exporters for shipment before the final rule is published in the Federal Register and for cotton consumed by domestic users are not changed by this proposed rule. Payment rates for such cotton will be determined in accordance with existing regulations and under the terms and conditions of the Upland Cotton Domestic User/Exporter Agreement, CCC–1045, (4–15–94), Revision 2 (existing agreement), through the day the final rule is published in the Federal Register. Publication of the final rule in the Federal Register and the effective date of the revised agreement will be coordinated so that the existing agreement will remain in effect until the revised agreement goes into effect. To continue to participate in the Step 2 program, exporters and domestic users must sign and return the revised agreement to CCC.

This proposed rule also updates the address of the Kansas City Commodity Office shown in 7 CFR 1427.105, abbreviates several terms used to describe price quotations used in the calculation of the Step 2 payment rate, and updates the ending date for the Step 2 program to July 31, 1998, in accordance with current legislation.

Alternative policies to address problems with the Step 2 program such as rules similar to those in effect under the Export Enhancement Program for exports of agricultural commodities have been suggested for cotton exports under the Step 2 program. Such rules could include a requirement to provide evidence of a bona fide export sales contract, required identification of the end user of cotton sold under a covered contract, required reporting of contract terms, including the amount of the Step 2 payment applied to the sales price, and prohibition of sales through third parties or sales through foreign affiliates of a participating exporter. Comments on these alternative policies, as well as other policies affecting the Step 2 program which may be of interest to the public, will be considered along with comments on the proposed rule.

Paperwork Reduction Act

The amendments to 7 CFR part 1427 set forth in this proposed rule involve a change in the existing information collection requirements which were previously cleared by OMB under the provisions of 44 U.S.C. 35. In accordance with the Paperwork Reduction Act of 1995, CCC has submitted a request to OMB for a revision to an information collection currently approved in support of the upland cotton user marketing certificate program and related reporting and recordkeeping requirements.

Title: Upland Cotton Domestic User/Exporter Agreement and Payment Program.

OMB Control Number: 0560–0136.

Expiration Date of Approval: April 30, 1997.

Type of Request: Revision of a Currently-Approved Information Collection.

Abstract: Section 103B(a)(5)(E) authorizes payments to eligible U.S. mills and exporters under the upland cotton user marketing certificate program if, for 4 consecutive weeks, (1) the U.S. Northern Europe price exceeds the Northern Europe price by more than 1.25 cents per pound, and (2) the upland cotton adjusted world price is less than 130 percent of the current-crop base quality loan rate. Currently, to participate in the program, mills and exporters must sign an agreement with CCC (CCC–1045) and agree to report weekly to CCC their sales contracts (in the case of exporters) and their consumption of cotton (in the case of domestic mills) as a basis for making payments. The proposal would change the requirement for exporters who would report their weekly exports instead of their weekly sales, necessitating a revision in the exporter application for payment (CCC–1045–1). Although the change does not affect domestic users, to continue in the program, all program participants will be required to sign a new agreement which incorporates the changes for exporters.

Certain information collections for both exporters and domestic users have been required since the beginning of the program but were included in the last burden statement under the general category ''Normal Business Records.'' To more accurately assess the paperwork burden, the individual reports have been identified. CCC provides a suggested format for the reports but program participants may submit the same information to CCC in a format that is convenient for them.

Estimate of Burden: Public reporting burden for this information collection is estimated to average 14 minutes per response.

Respondents: U.S. cotton exporters and U.S. cotton mills.

Estimated Number of Respondents: 300.

Estimated Number of Responses per Respondent: 65.

Estimated Total Annual Burden on Respondents: 4,675 hours.

Comments are requested regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Copies of the information collection may be obtained from Janise Zygmont at the above address.

Submit comments on the information collection to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to Janise Zygmont, FAD, FSA, USDA, room 3756–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415. All comments regarding this information collection will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

OMB is required to make a decision concerning the collection(s) of information contained in these proposed regulations between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulations.

List of Subjects in 7 CFR Part 1427

Cotton, Loan programs/agriculture, Marketing certificate programs, Price support programs, Warehouses.

Accordingly, 7 CFR part 1427 is proposed to be amended as follows:

PART 1427–COTTON

1. The authority citation for 7 CFR part 1427 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1444, and 1444–2; 15 U.S.C. 714b and 714c.

2. Section 1427.100 is amended by revising the first sentence of paragraph (a) and revising paragraphs (b)(1) introductory text, (b)(1)(i) and (b)(2) to read as follows:

§ 1427.100 Applicability.

(a) The regulations in this subpart are applicable during the period beginning August 1, 1991, and ending July 31, 1998. * * *

(b)(1) During the period beginning August 1, 1991, and ending July 31, 1998, CCC shall issue marketing certificates or cash payments to domestic users and exporters in accordance with this subpart in a week following a consecutive 4-week period in which—

(i) The Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling one and three thirty-seconds inch (''M 1$^{3}/_{32}$ inch'') cotton, delivered C.I.F. (cost, insurance and freight) northern Europe (''U.S. Northern Europe (USNE) price'') exceeds the Friday through Thursday average price quotation for the five lowest-priced growths, as quoted for M 1$^{3}/_{32}$ inch cotton, delivered C.I.F. northern Europe (''Northern Europe (NE) price'') by more than 1.25 cents per pound; and

(ii) * * *

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, CCC shall not issue marketing certificates or cash payments if, for the immediately preceding consecutive 10-week period, the USNE price, adjusted for the value of any certificates or cash payments issued under paragraph (b)(1) of this section, exceeds the NE price by more than 1.25 cents per pound.

* * * * *

3. Section 1427.103 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 1427.103 Eligible upland cotton.

(a) * * *

(1) Opened by an eligible domestic user on or after August 1, 1991, and on or before July 31, 1998, or, excluding cotton covered under paragraph (a)(2) of this section, exported by an eligible exporter on or after [date on which final rule is published in the Federal Register] and on or before July 31, 1998, during a Friday through Thursday period in which a payment rate, determined in accordance with § 1427.107, is in effect, and which meets the requirements of paragraphs (b) and (c) of this section;

(2) Sold for export by an eligible exporter under a written contract entered into on or after August 1, 1991, and on or before [date immediately following date on which the final rule is published in the Federal Register] during a Friday through Thursday period in which a payment rate, determined in accordance with § 1427.107, is in effect and which is exported by the eligible exporter by not later than July 31, 1998, and which meets the requirements of paragraphs (b) and (c) of this section.

* * * * *

4. Section 1427.105 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 1427.105 Upland Cotton Domestic User/ Exporter Agreement.

* * * * *

(b) Upland Cotton Domestic User/ Exporter Agreements may be obtained from Cotton and Rice Inventory Branch, Cotton and Rice Division, Kansas City Commodity Office, P. O. Box 419205, Kansas City, Missouri 64141–6205.

* * *

* * * * *

5. Section 1427.107 is amended by revising paragraphs (a)(1) introductory text, (a)(1)(i), (a)(1)(ii), (a)(2) introductory text, (b), (c), (d) introductory text, (e) introductory text, (f)(1) introductory text, (f)(1)(ii), and (f)(2), and adding a new paragraph (f)(1)(iii) to read as follows:

§ 1427.107 Payment rate.

(a) * * *

(1) For exporters for cotton shipped after (date of publication of final rule in the Federal Register) (excluding cotton covered under paragraph (a)(2) of this section) and for domestic users for bales opened during the period—

(i) Beginning the Friday following August 1 and ending the week in which the Northern Europe current (NEc) price and the Northern Europe forward (NEf) price first become available, the payment rate shall be the difference between the USNE price, minus 1.25 cents per pound, and the NE price in the fourth week of a consecutive 4-week period in which the USNE price exceeded the NE price each week by more than 1.25 cents per pound, and the adjusted world price (AWP) did not exceed the current crop-year loan level for the base quality of upland cotton by more than 130 percent.

(ii) Beginning the Friday through Thursday week after the week in which the NEc price and the NEf price first become available and ending the Thursday following July 31, the payment rate shall be the difference between the USNEc price, minus 1.25 cents per pound, and the NEc price in the fourth week of a consecutive 4-week period in which the USNE price exceeded the NEc price each week by more than 1.25 cents per pound, and the AWP did not exceed the current crop-year loan level for the base quality of upland cotton by more than 130 percent.

(iii) * * *

(2) For exporters, prior to [date of publication of final rule in the Federal Register]—

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section, no payment rate shall be established in a week following a consecutive 10-week period in which the USNE price, or as the case may be, the USNEc price or the USNEf price, adjusted for the value of any certificate or cash payment issued in accordance with paragraph (a) of this section, exceeds the NE price, or as the case may be, the NEc price or the NEf price, by more than 1.25 cents per pound.

(c) Notwithstanding the provisions of paragraph (a) of this section, whenever a 4-week period contains a combination of NE prices only for one to three weeks and NEc prices and NEf prices only for one to three weeks such as occurs in the spring when the NE price is succeeded by the NEc price and the NEf price (''spring transition period'') and at the start of a new marketing year when the NEc price and the NEf price are succeeded by the NE price (marketing year transition):

(1) Under paragraphs (a)(1)(i) and (a)(2)(i) of this section, during the marketing year transition, the NEf price and the USNEf price in combination with the NE price and the USNE price shall be taken into consideration during such 4-week periods to determine if a payment is to be issued.

(2) Under paragraphs (a)(1)(ii), (a)(2)(ii), and (a)(2)(v) of this section, during the spring transition period, the NEc price and the USNEc price in combination with the NE price and the USNE price shall be taken into consideration during such 4-week periods to determine if a payment is to be issued.

(d) Notwithstanding any other provision of this section, for contracts made by exporters prior to [date of publication of final rule in the Federal Register], that specify shipment of the cotton by not later than September 30—

* * * * *

(e) For U.S. cotton sold by the exporter under an optional origin contract prior to [date following date of publication of final rule in the Federal Register], the payment rate * * *

(f) * * *

(1) With respect to the determination of the USNE price, the USNEc price, the USNEf price, the NE price, the NEc price and the NEf price—

(i) * * *

(ii) If no daily quotes are available for the entire 5-day period for either or both the USNE price and the NE price during the period when only one daily price quotation is available for each growth quoted for M 1$^{3}/_{32}$ inch cotton, delivered C.I.F. northern Europe; or the USNEc price and the NEc price; or the USNEf price and the NEf price, that week will not be taken into consideration, in which case, CCC may establish a payment rate at a level it determines appropriate, taking into consideration the payment rate determined in accordance with paragraph (a) of this section for the latest available week.

(iii) Beginning [date of publication of final rule in the Federal Register], if no daily quotes are available for the entire 5-day period for either or both the USNEc price and the NEc price, the marketing year transition shall be implemented immediately as provided for in paragraph (c)(1) of this section.

(2) With respect to the determination of the USNE price, the USNEc price and the USNEf price, if a quote for either the U.S. Memphis territory or the California/Arizona territory as quoted for M 1$^{3}/_{32}$ inch cotton, delivered C.I.F.

northern Europe, is not available for each or any day of the 5-day period, the available quote will be used.

* * * * *

6. Section 1427.108 is amended by revising paragraphs (a)(2), (c)(1), and (c)(2), and adding a new paragraph (c)(3) to read as follows:

§ 1427.108 Payment.

(a) * * *

(1) * * *

(2) The net weight (gross weight minus the weight of bagging and ties) as determined in accordance with paragraph (b) of this section, of eligible upland cotton as determined in accordance with paragraph (c) of this section.

* * * * *

(c) * * *

(1) Purchased by the domestic users on the date the bale is opened in preparation for consumption;

(2) From August 1, 1991, through [date immediately following date on which the final rule is published in the Federal Register], sold by the exporter on the date the contract for sale is confirmed in writing; and

(3) Excluding cotton covered under paragraph (c)(2) of this section, through July 31, 1998, exported by the exporter on the date that CCC determines is the date on which the cotton is shipped.

* * * * *

7. Section 1427.109 is amended by revising paragraphs (a)(1) through (a)(3) to read as follows:

§ 1427.109 Contract cancellations.

(a) * * *

(1) All undelivered (open) export contracts (including optional origin export contracts) outstanding as of the later of the date the Agreement (CCC–1045, 8–1–91) was executed by the exporter or August 29, 1991;

(2) Any export contracts that were canceled, or amended to reduce the contract quantity, between the later of June 18, 1991, or 75 days prior to the date the Agreement (CCC–1045, 8–1–91) was executed by the exporter and the later of the date the Agreement (CCC–1045, 8–1–91) was executed by the exporter, or August 29, 1991, which are not replaced by the later of the date the Agreement (CCC–1045, 8–1–91) was executed by the exporter or August 29, 1991; and

(3) All new export contracts entered into by the exporter on or after August 30, 1991, and on or before [date immediately following date on which the final rule is published in the Federal Register].

Signed at Washington, D.C., on March 6, 1996.

Grant Buntrock,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 96–5868 Filed 3–12–96; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–256–AD]

Airworthiness Directives; Piaggio Model P–180 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Piaggio Model P–180 airplanes. This proposal would require replacement of outflow/safety valves with serviceable valves. This proposal is prompted by a report of cracking and subsequent failure of outflow safety valves in the pressurization system. The actions specified by the proposed AD are intended to prevent such cracking and subsequent failure of the outflow/safety valves, which could result in rapid decompression of the airplane.

DATES: Comments must be received by April 22, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–256–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Allied Signal Aerospace, Technical Publications, Dept. 65–70, P.O. Box 52170, Phoenix, Arizona 85072–2170. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5336; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–256–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–256–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report of the failure of a safety valve in the pressurization system on a Learjet Model 31A airplane. Failure of the valve resulted in depressurization of the cabin. Investigation revealed that the poppets of certain outflow/safety valves were cracked. These discrepant valves, including the safety valve installed on the incident airplane, had been manufactured since January 1, 1989. Certain valves manufactured since that date have been found to be susceptible to cracking due to an improper molding process during their manufacture. Cracking in the poppets of the outflow/

safety valves in the pressurization system can result in an open valve with an effective flow area of 4.4 square inches; additionally, the valve may close and remain closed. This condition, if not corrected, could result in cracking and subsequent failure of the airflow/safety valves, which could lead to rapid decompression of the airplane.

On September 20, 1995, the FAA issued AD 95–20–03, amendment 39–9381 (60 FR 51709, October 3, 1995), to address this unsafe condition on certain Learjet Model 24, 25, 28, 29, 31, 35, 36, and 55 series airplanes. Subsequently, on December 5, 1995, the FAA issued AD 95–25–10, amendment 39–9456, (60 FR 66484, December 22, 1995), to address the unsafe condition on certain Cessna Model 441, 500, 550, and 560 series airplanes. The outflow/safety valves installed on these Cessna and Learjet airplane models are similar to the valves installed on Piaggio Model P–180 series airplanes. Therefore, the FAA has determined that the latter airplane model also is subject to the unsafe condition described previously.

The FAA has reviewed and approved Allied Signal Aerospace Service Bulletins 103742–21–4059 (for airplanes equipped with valves having part number 103742) and 103744–21–4060 (for airplanes equipped with valves having part number 103744), both dated March 31, 1995, which describe procedures for replacement of certain discrepant outflow/safety valves with serviceable valves.

This airplane model is manufactured in Italy and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require replacement of certain discrepant outflow/safety valves with serviceable valves. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Operators should note that, although the service bulletins recommend accomplishing the replacement within 300 flight hours or six months (after the release of the service bulletins), whichever occurs first, the FAA has determined that an interval of 18 months will address the identified unsafe condition in a timely manner. This proposed compliance time of 18 months was determined to be appropriate in consideration of the safety implications, the average utilization rate of the affected fleet, the practical aspects of accomplishment of the replacement during regular maintenance periods, and the availability of required replacement parts.

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. The parts manufacturer has advised that it will provide replacement parts at no cost to operators. Based on these figures, the cost impact of this proposal on U.S. operators is estimated to be $7,200, or $720 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13—[Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

I.A.M. Rinaldo Piaggio S.P.A.: Docket 95–NM–256–AD.

Applicability: Model P–180 airplanes equipped with Allied Signal outflow/safety valves, as identified in Allied Signal Aerospace Service Bulletins 103742–21–4059 and 103744–21–4060, both dated March 31, 1995, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking and subsequent failure of the outflow/safety valves, which would result in rapid decompression of the airplane, accomplish the following:

(a) Within 18 months after the effective date of this AD, replace the outflow/safety valve in accordance with Allied Signal Aerospace Service Bulletin 103742–21–4059 (for airplanes equipped with valves having part number 103742), or 103744–21–4060 (for airplanes equipped with valves having part number 103744), both dated March 31, 1995, as applicable.

(b) As of the effective date of this AD, no person shall install an outflow/safety valve, having a part number and serial number identified in Allied Signal Aerospace Service Bulletin 103742–21–4059 (for airplanes equipped with valves having part number 103742) or 103744–21–4060 (for airplanes equipped with valves having part number 103744), both dated March 31, 1995, on any airplane unless that valve is considered to be serviceable in accordance with the applicable service bulletin.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 7, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–5944 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–04–AD]

Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–100 and –200 series airplanes. This proposal would require inspections to detect cracking of the support fittings of the Krueger flap actuator; and replacement of existing fittings with new steel fittings and modification of the aft attachment of the actuator, if necessary. This proposal is prompted by reports of cracking due to fatigue and stress corrosion of the support fittings of the Krueger flap actuator. The actions specified by the proposed AD are intended to prevent such cracking, which could result in fracturing of the actuator attach lugs, separation of the actuator from the support fitting, severing of the hydraulic lines, and resultant loss of hydraulic fluids. These conditions, if not corrected, could result in possible failure of one or more hydraulic systems, and subsequent reduced controllability of the airplane.

DATES: Comments must be received by May 6, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–04–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Della Swartz, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2785; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–04–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–04–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA received several reports indicating that cracking was found on Model 737 series airplanes in the support fittings that attach the Krueger flap actuator to the front spar. This cracking was found in the actuator attach lugs of the support fittings on a number of airplanes, and in the fillet radius between the actuator attach lug and the vertical flanges of the fitting on one airplane. The cause of the cracking has been attributed to fatigue and stress corrosion. Complete fracture of both actuator attach lugs could allow the actuator to separate from the support fitting, which could sever the hydraulic lines and result in the loss of hydraulic fluids. This condition, if not corrected, could result in possible failure of one or more hydraulic systems, and subsequent reduced controllability of the airplane.

The FAA also received two reports indicating that hydraulic system A and the standby hydraulic system failed during flight on Model 737 series airplanes. During subsequent emergency landings, these airplanes departed the end of the runway and sustained severe damage. On one of these airplanes, both actuator attach lugs on the support fittings of the No. 1 Krueger flap actuator were severed completely. The actuator separated from the front spar and the adjacent hydraulic lines were severed. On the other airplane, the No. 3 Krueger flap actuator separated from the fitting and the hydraulic lines to the actuator were severed. Subsequently, the hydraulic fuse did not close sufficiently to prevent the loss of hydraulic fluid from the system. Results of a laboratory examination of the fuse indicated that corrosion existed on the magnesium piston of the fuse.

The FAA has reviewed and approved Boeing Service Bulletin 737–57–1129, Revision 1, dated October 30, 1981, as revised by Notices of Status Change 737–57–1129NSC1, dated July 23, 1982; 737–57–1129 NSC2, dated April 14, 1983; and 737–57–1129 NSC 3, dated May 18, 1995. This service bulletin describes procedures for an initial visual inspection and repetitive eddy current inspections to detect cracking of the support fittings of the Krueger flap actuator; and replacement of existing fittings with new steel fittings and modification of the aft attachment of the actuator, if necessary. Such replacement and modification eliminates the need for repetitive eddy current inspections of the fittings.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive eddy current inspections to detect cracking of the support fittings of the Krueger flap actuator; and replacement of existing fittings with new steel fittings and modification of the aft attachment of the actuator, if necessary. Such replacement

and modification, if accomplished, would constitute terminating action for the required repetitive inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Operators should note that, while the service bulletin recommends that the initial inspection be performed using a visual method and subsequent repetitive inspections be performed using an eddy current technique, this proposed AD would require that both the initial and repetitive inspections be accomplished using the eddy current method. The support fittings of the Krueger flap actuator are susceptible to stress corrosion cracking, and the crack growth rate for such cracking is unknown. The FAA finds that, if a visual inspection is accomplished to detect cracking of the support fittings, such cracking may not be detected in a timely manner to adequately address the unsafe condition. Therefore, the FAA has determined that an adequate level of safety for the affected fleet requires that both the initial and repetitive inspections of these fittings be performed using an eddy current technique, which is a more reliable method of crack detection.

The FAA is considering the issuance of separate rulemaking action to address failure of hydraulic fuses having magnesium pistons. Fuses of this type are installed on Model 747–100, –200, –300, and –SP series airplanes, as well as Model 737–100 and –200 series airplanes.

There are approximately 727 Model 737–100 and –200 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 270 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane (6 work hours per wing) to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $194,400, or $720 per airplane, per inspection.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to accomplish the replacement and modification rather than continue the repetitive inspections, it would take approximately 88 work hours per airplane (44 work hours per wing) to accomplish the replacement and modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $13,172 per airplane. Based on these figures, the cost impact of the replacement and modification is estimated to be $18,452 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ''**ADDRESSES**.''

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 96–NM–04–AD.

Applicability: Model 737–100 and –200 series airplanes, line positions 001 through 813 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent possible failure of one or more hydraulic systems and subsequent reduced controllability of the airplane, accomplish the following:

(a) Within one year after the effective date of this AD, perform an eddy current inspection to detect cracking of the support fitting of the Krueger flap actuator, in accordance with Boeing Service Bulletin 737–57–1129, Revision 1, dated October 30, 1981, as revised by Notices of Status Change 737–57–1129NSC1, dated July 23, 1982; 737–57–1129 NSC2, dated April 14, 1983; and 737–57–1129 NSC 3, dated May 18, 1995.

(1) If no cracking is found, repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 3,000 hours time-in-service.

(2) If any cracking is found, prior to further flight, accomplish the replacement and modification specified in paragraph (b) of this AD.

(b) Replacement of the support fitting with a steel fitting and modification of the actuator aft attachment in accordance with Boeing Service Bulletin 737–57–1129, Revision 1, dated October 30, 1981, as revised by Notices of Status Change 737–57–1129NSC1, dated July 23, 1982; 737–57–1129 NSC2, dated April 14, 1983; and 737–57–1129 NSC 3, dated May 18, 1995; constitutes terminating action for the repetitive inspections required by this AD.

(c) As of the effective date of this AD, no person shall install a support fitting having part number 69–37892–9, 69–37892–10, 69–37893–1, or 69–37893–2 on the Krueger flap actuator of any airplane.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 7, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–5943 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 95–AWP–27]

Proposed Establishment of Class E Airspace; San Andreas, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a Class E airspace area at San Andreas, CA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 31 has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Calaveras Co-Maury Rasmussen Field Airport, San Andreas, CA.

DATES: Comments must be received on or before April 22, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP–530, Docket No. 95–AWP–27, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California, 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California, 90261.

An informal docket may also be examined during normal business at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

Comments Invited

Intersted parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–AWP–27.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a Class E airspace area at San Andreas, CA. The development of a GPS SIAP at Calaveras Co-Muary Rasmussen Field Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS RWY 31 SIAP at Calaveras Co-Muary Rasmussen Field Airport, San Andreas, CA. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP CA E5 San Andreas, CA [New]

Calaveras Co-Muary Rasmussen Field Airport, CA
(lat. 38°08′46″ N, long. 120°38′53″ W)

That airspace extending upward from 700 feet above the surface within a 7.3-mile

radius of Calaveras Co-Muary Rasmussen Field Airport.

* * * * *

Issued in Los Angeles, California, on March 1, 1996.

Harvey R. Riebel,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 96–6021 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 5E4521/P644; FRL–5353–7]

RIN 2070–AB18

Clomazone; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA proposes to establish a tolerance for residues of the herbicide 2-(2-chlorophenyl)methyl-4,4-dimethyl-3-isoxazolidinone (also referred to in this document as clomazone) in or on the raw agricultural commodity snap bean. The proposed regulation to establish maximum permissible levels for residues of the herbicide was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATES: Comments, identified by the document control number [PP 5E4521/P644], must be received on or before April 12, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field operations Division (7506C), office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132 CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 5E4521/P644]. Electronic conunents on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Inforrnation marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 2046O. office location and telephone number: Sixth Floor, Crystal Station #1, 28OO Jefferson Davis Highway, Arlington, VA 22202, (703) 308–8783; e-mail: Jamerson.Hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.o. Box 231, Rutgers University, New Brunswick, NJ O8903, has submitted pesticide petition (PP) 5E4521 to EPA on behalf of the Agricultural Experiment Stations of Arkansas, Kentucky, North Carolina, Tennessee, Texas, and Virginia. This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.425 by establishing a tolerance for residues of the herbicide clomazone in or on the raw agricultural commodity snap bean at 0.05 part per million (ppm).

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. A l–year feeding study in dogs, which were fed diets containing 100, 500, 2,500, and 5,000 ppm, with a no-observed-effect level (NOEL) of 500 ppm (equivalent to 12.5 milligrams (mg)/kilogram (kg)/day). An increase in the absolute and relative liver weights in male and female dogs was observed at the 2,500 ppln dose level (equivalent to 62.5 mg/kg/day).

2. A developmental toxicity study in rats with NOEL's for maternal and developmental toxicity of 100 mg/kg/day. Maternal toxicity (decreased locomotion, genital stain, and runny eyes) and developmental toxicity (increased incidence of delayed ossification) were observed in rats at the 300 mg/kg/day dose level.

3. A developmental toxicity study in rabbits, which were given the test chemical by gavage at doses of 30, 240, and 700 ppm, with NOEL's for maternal and developmental toxicity of 240 mg/kg/day. Maternal toxicity (decrease in body weight) and developmental toxicity (increase in number of fetal resorptions) were observed in rabbits at the 700 mg/kg/day dose level.

4. A 2–year feeding/carcinogenicity study in rats, which were fed diets containing 20, 100, 500, 1,000, and 2,000 ppm, with a systemic NOEL of 100 ppm (equivalent to 4.3 mg/kg/day) based on elevated cholesterol, absolute and relative liver weights, and the incidence of liver cytomegaly. There were no carcinogenic effects observed under the conditions of the study at any dosage level tested.

5. A 2–year feeding/carcinogenicity study in mice, which were fed diets containing 20, 100, 500, l,000 and 2,000 ppm, with a NOEL of 100 ppm (equivalent to 15 mg/kg/day) for systemic effects based on an increase in white blood cell count. The study was negative for carcinogenic effects at all dosage levels tested.

6. Mutagenic studies, including unscheduled DNA synthesis, negative; reverse mutation (two studies in *Salmonella*), both negative with/without activation; point mutation (CHO/HGPT), weakly positive without activation; and *in vivo* cytogenetic (chromosomal aberration), negative for mutagenicity.

The reference dose (RfD), based on the 2–year feeding study in rats (NOEL of 4.3 mg/kg/day) and using an uncertainty factor of 100, is calculated to be 0.043 mg/kg of body weight (bw)/day. The theoretical maximum residue contribution (TMRC) from existing tolerances and the proposed tolerance for snap bean is calculated to be 0.000065 mg/kg/day, which utilizes less than 1 percent of the RfD for the U.S. population. The TMRC for non-nursing infants (the population subgroup most highly exposed) also utilizes less than 1 percent of the RfD. EPA generally has no cause for concern for exposures below 100 percent of the RfD.

The nature of the residue in plants is adequately understood. An adequate analytical method is available for enforcement purposes. The analytical method for enforcing this tolerance has been published in the *Pesticide Analytical Manual,* Vol. II (PAM II).

There is no reasonable expectation that secondary residues will occur in milk, eggs, or meat of livestock and poultry: there are no livestock feed items associated with snap beans.

There are presently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 3O days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

A record has been established for this rulemaking under docket number [PP 5E4521/P644] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Under Executive order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive order (i.e. Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)) Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (l) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Pursuant to the terms of this Executive order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 2495O).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 29, 1996.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.425 is amended by revising the section heading and in the table by adding alphabetically the entry for bean, snap to read as follows:

§ 180.425 Clomazone; tolerances for residues.

* * * * *

Commodities	Parts per million
Bean, snap	0.05
* * * *	*

[FR Doc. 96–5889 Filed 3–12–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5434–6]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the East Bethel Landfill Site from the National Priorities List; Request for Comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the East Bethel Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate. Moreover, U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before April 12, 1996.

ADDRESSES: Comments may be mailed to Rita Garner-Davis (SR–6J) Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W.

Jackson Blvd., Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: East Bethel City Hall and the Minnesota Pollution Control Agency Public Library, 520 Lafayette Rd., St. Paul, MN 55155–4194. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

FOR FURTHER INFORMATION CONTACT: Rita Garner-Davis (SR–6J), Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–2440 or Eileen Deamer (P–19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–1728.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the East Bethel Landfill Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This Federal Register notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the Federal Register.

IV. Basis for Intended Site Deletion

The East Bethel Landfill is located in north-central Anoka County, approximately a half mile east of Minnesota Highway 65 along 217th Avenue. The East Bethel Landfill is a mixed municipal solid waste and demolition waste disposal facility. The Landfill ceased general acceptance of mixed municipal solid waste in 1974, and thereafter until April 9, 1994, accepted only demolition debris, certain industrial wastes, and mixed municipal solid waste from residents of the City of East Bethel. From April 9, 1994 until April 30, 1995, the Landfill accepted for disposal only demolition waste in accordance with the limitations set forth in a Minnesota Statute dated October 7, 1994.

The first set of ground water samples collected from existing monitoring wells in 1982 indicated the presence of VOCs in the ground water near the Site. Subsequent sampling confirmed the presence of VOCs in the ground water.

In October, 1984, the Site was placed on Minnesota's Permanent List Priorities (PLP) and U.S. EPA's National Priorities List (NPL) (Federal Register 51 page 21054).

The Remedial Investigation (RI) Report was submitted in February, 1990, and approved by MPCA on May 23, 1990. There were three phrases of the Feasibility Study (FS). The first phase of the FS, the Establishment of Response Action Objectives Report, was approved on May 16, 1991. The second phase of the FS the Alternatives Report (AR) was developed and submitted to MPCA on June 17, 1991. The AR was developed to review the various response actions that were outlined in the Objectives Report. The AR was approved by the MPCA on October 3, 1991. The third phase of the FS the Detailed Analysis Report (DAR) was submitted January, 1992. There was a DAR addendum to supply additional information. The DAR Addendum was approved on August 10, 1992. In 1989, an Interim Response Action Pumping, (IRAP) system was installed at the site. The IRAP operated during the summer and fall of 1990, but could not operate during 1991 due to operational problems. The operational problems were corrected and the system operated from May to October 16, 1992.

The Record of Decision (ROD) was signed by U.S. EPA on December 30, 1992. The December 30, 1992, ROD identified two operable units to be addressed as a part of the remediation of the East Bethel Landfill Site. Operable unit one is the ground water contamination and operable unit two is the source of contamination, the landfill.

The remedy selected in the 1992 ROD for operable unit one (ground water contamination) consists of withdrawal of contaminated ground water, treatment of ground water, and discharge of treated water as well as

continued monitoring of the contaminated aquifers. This remedy addresses remediation of ground water by eliminating or reducing the risks posed by the site, through ground water pump and treat. The final report for the completion of construction of the ground water remedial action was approved by letter of the MPCA dated September 26, 1995.

The second operable unit is the Landfill (the source of contamination). The owners of the landfill are constructing a landfill cap using Responsible Parties' monies. Under the Landfill Cleanup Program, the MPCA would maintain the cap, operate the ground-water pump-and-treat system, and monitor the ground water and the passive gas system.

The Remedial Investigation/ Feasibility Study (RI/FS) and the Proposed Plan for the Site were released to the public for comment on August 12, 1992. The notice of availability for the RI/FS and the Proposed Plan was published in the August 7, 1992 edition of the Anoka County Union, the local newspaper. The public comment period began on August 12, 1992 and ended on September 10, 1992. A public meeting was held on August 27, 1992, at the Cedar Creek Elementary School located in East Bethel. At this, meeting representatives from the MPCA, Minnesota Department of Health (MDH), and Environmental Protection Agency (EPA) answered questions about problems at the Site and the remedial alternatives under consideration. No person requested an extension to the public comment period.

All the components of the remedy have been fully implemented. On October 31, 1995, the site was issued a Notice of Compliance (NOC) from the State under the Minnesota Landfill Cleanup Law. The State has now assumed full responsibility for the remedy at this site. There are no additional cleanup levels to achieve for the remedy. U.S. EPA will proceed in deleting the site from the NPL.

Upon completion of construction of the landfill cap, the following will occur: (1) a certificate of construction completion of the remedial action will be issued in accordance with the RA design plan, and (2) a final report documenting the completion of construction will be prepared in accordance with the MPCA Consent Order.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the East Bethel Landfill Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. Therefore, EPA proposes to delete the site from the NPL.

Dated: February 8, 1996.

David A. Ullrich,

Acting Regional Administrator, USEPA, Region V.

[FR Doc. 96–6012 Filed 3–12–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–32; RM–8719]

Radio Broadcasting Services; Canton, IL and Canton, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Bick Broadcasting Co., proposing the substitution of Channel 265C2 for Channel 265C3 at Canton, Missouri, and modification of the license for Station KRRY to specify the higher class channel. The coordinates for Channel 265C2 at Canton, Missouri, are 40–07–33 and 91–31–42. To accommodate the upgrade at Canton, Missouri, we shall propose to substitute Channel 252A for vacant Channel 265A at Canton, Illinois, at coordinates 40–32–46 and 90–04–59. In the event there is no interest expressed for retention of a channel in Canton, Illinois, during the comment cycle in this proceeding, we shall delete the channel. We shall propose to modify the license for Station KRRY in accordance with Section 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availaility of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before April 29, 1996, and reply comments on or before May 14, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Bud James, President, Bick Broadcasting Co., 119 North Third Street, Hannibal, Missouri 63401.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–32, adopted February 21, 1996, and released March 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–5900 Filed 3–12–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–29; RM–8731]

Radio Broadcasting Services; Chester and Richmond, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Hoffman Communications, Inc., licensee of Station WDYL(FM), Channel 289A, Chester, Virginia, proposing the substitution of Channel 266A for Channel 289A and modification of Hoffman's construction permit to specify operation on the alternate Class A channel. In order to accommodate the substitution at Chester, we also propose to substitute Channel 289A for unoccupied but applied for Channel 266A at Richmond, Virginia. *See* Supplementary Information, *infra.*

DATES: Comments must be filed on or before April 29, 1996, and reply comments on or before May 14, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John R. Feore, Jr. and Andrew C. Fish, Doe, Lohnes & Albertson, 1255 23rd Street, NW., Suite 500, Washington, DC 20037 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–29, adopted February 22, 1996, and released March 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Channel 266A can be allotted to Chester in compliance with the Commission's minimum distance separation requirements and can be used a the transmitter site specified in Station WDYL(FM)'s construction permit. The coordinates for Channel 266A at Chester are 37–22–58 and 77–25–41. Channel 289A can be allotted to Richmond, Virginia, in compliance with the Commission's minimum distance separation requirements and can be used at all four sites specified in the five applications for Channel 266A at Richmond. The coordinates for Channel 289A at Richmond as proposed in the pending applications are: 37–30–23 and 77–30–15; 37–30–11 and 77–30–08; 37–30–52 and 77–30–28; and, 37–30–02 and 77–30–09.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–5899 Filed 3–12–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–31; RM–8761]

Television Broadcasting Services; Wittenberg, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by David R. Magnum d/b/a Shawano county Television Company proposing the allotment of UHF Television Channel 55 to Wittenberg, Wisconsin. Canadian concurrence will be requested for this allotment at coordinates 45–01–56 and 89–18–44. There is a site restriction 25.8 kilometers (16 miles) northwest of the community.

DATES: Comments must be filed on or before April 29, 1996, and reply comments on or before May 14, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: David R. Magnum d/b/a Shawano county Television Company, 1021 North Superior Avenue, Tomah, Wisconsin 54660.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–31, adopted February 23, 1996, and released March 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–5902 Filed 3–12–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–30; RM–8762]

Television Broadcasting Services; Antigo, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Robert J. Cox d/b/a Native American Television Company proposing the allotment of UHF Television Channel 46 to Antigo, Wisconsin. The channel can be allotted to Antigo without a site restriction at coordinates 45–08–54 and 89–09–00. Canadian concurrence will be requested for the allotment of Channel 46 at Antigo.

DATES: Comments must be filed on or before April 29, 1996, and reply comments on or before May 14, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Robert J. Cox, Native American Television Company, 200 Fillmore Street, Kaukauna, Wisconsin 54130.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–30, adopted February 22, 1996, and released March 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington,

DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–5901 Filed 3–12–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[I.D. 022996C]

South Atlantic Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public hearings; requests for comments.

SUMMARY: The South Atlantic Fishery Management Council (South Atlantic Council) will hold three public hearings on Draft Amendment 8 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP) and its draft supplemental environmental impact statement (draft SEIS).

DATES: Written comments will be accepted until 5 p.m., March 26, 1996. The hearings are scheduled as follows:

1. March 18, 1996, 7 p.m. until business is completed, Ronkonkoma, NY

2. March 19, 1996, 7 p.m. until business is completed, Toms River, NJ

3. March 20, 1996, 7 p.m. until business is completed, Salisbury, MD

ADDRESSES: Copies of the draft amendment are available from Susan Buchanan, Public Information Officer (803) 571–4366.

Written comments may be sent by U.S. mail, e-mail or fax to Bob Mahood, Executive Director, SAFMC, One Southpark Circle, Suite 306, Charleston, SC 29407. Fax: 803–769–4520, E-Mail: safmc@safmc.nmfs.gov. The draft amendment will be available to the public at the hearings.

The hearings will be held at the following locations:

1. Ronkonkoma—Holiday Inn, 3845 Veterans Memorial Highway, Ronkonkoma, NY 11799; telephone: 516–585–9500

2. Tom's River—Holiday Inn, 290 Route 37 East, Tom's River, NJ 08753; telephone; 908–244–4000

3. Salisbury—Holiday Inn, 2625 N Salisbury Blvd., Salisbury, MD 21801; telephone: 410–742–7194

FOR FURTHER INFORMATION CONTACT: Susan Buchanan, 803–571–4366.

SUPPLEMENTARY INFORMATION:

Background

The South Atlantic and Mid-Atlantic Fishery Management Councils (Councils) will hold public hearings on Draft Amendment 8 to the FMP and its draft SEIS. Draft Amendment 8 includes management measures for the fisheries for king and Spanish mackerel, cobia, and dolphin (fish). These measures would apply only in the South Atlantic and Mid-Atlantic Council's (Mid-Atlantic Council) jurisdiction, apply only in the Gulf of Mexico Fishery Management Council's (Gulf Council) jurisdiction, or apply in all three Councils' jurisdictions.

Proposed actions that would affect only the stocks and area under the jurisdiction of the South Atlantic and Mid-Atlantic Councils are as follows: Harvest Spanish mackerel only with hook and line, run-around nets, stab nets, and cast nets (along Florida's east coast nets are limited to run-around gillnets, 800 yd (732 m) in length, and a 1–hour soak time); harvest king mackerel in the South Atlantic Council's area of jurisdiction, south of Cape Lookout, NC, with hook-and-line gear (multigear trips consisting of mixed species, including king mackerel, are allowed north of Cape Lookout NC, but are not to exceed 3,500 lbs (1.6 mt)); allow the harvest of other directed coastal pelagics with surface longline, hook-and-line including manual, electric, or hydraulic rod and reels, and bandit gear only; allow the use of cast nets and another nets with mesh sizes no larger than 2 1/2 inch (6.35 cm) stretch mesh and no longer than 50 yd (46 m) for the purpose of catching bait; allow the introduction of experimental gear; provide that non-conforming gear be limited to the bag limit for species with a bag limit (no limit for species without a bag limit); establish a 5-year moratorium, beginning on October 16, 1995, on the issuance of commercial vessel permits with a king mackerel endorsement; provide for the transfer of vessel permits to other vessels; require that anyone applying for a commercial vessel permit demonstrate that 25 percent of annual income, or $5,000, be from commercial fishing; and require, as a condition for a Federal commercial or charter vessel permit, that the applicant comply with the more restrictive of state or Federal rules when fishing in state waters; extend the range of cobia management North to the EEZ off New York; and, establish the following commercial trip limits for Atlantic king mackerel: 3,500 lb (l.6 mt) in the ocean area from Volusia/Flagler County, FL, to the New York/Connecticut border from April 1 to March 31, 3,500 lb (1.6 mt) in the ocean area from Brevard/Volusia County, FL, to Volusia/ Flagler, FL, from April 1 to October 31, 50 fish in the ocean area from Brevard/Volusia to Dade/Monroe, FL, from April 1 to October 31, and a 125 fish limit in the EEZ off Monroe County from April 1 to October 31.

Amendment 8 also includes the following measures that apply to the three Councils' jurisdictions: Require commercial dealer permits to buy and sell coastal pelagic fish managed under the FMP and require that dealers keep and make available records of purchase by vessel, recreational bag and commercial trip limit alternatives for cobia and dolphin (fish), retention of up to five damaged king mackerel not to be sold by vessels under commercial trip limits, changes to the procedure used to set total allowable catch, and changes to definitions of overfishing and optimum yield. Additional options are included in the draft amendment.

In December 1995, the Gulf Council held public hearings on proposed measures in Amendment 8 applying only to the area and stocks under its jurisdiction.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by March 13, 1996.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 6, 1996.

Donald J. Leedy,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–5893 Filed 3–12–96; 8:45 am]

BILLING CODE 3510–22–F

50 CFR Part 663

[Docket No. 960304057–6057–01; I.D. 020596A]

RIN 0648–AH84

Pacific Coast Groundfish Fishery; Framework for Treaty Tribe Harvest of Pacific Groundfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: This rule proposes a framework that allows NMFS, acting on behalf of the Secretary of Commerce (Secretary), to implement the rights of the Washington coastal treaty Indian tribes to fish for groundfish in their usual and accustomed fishing areas (U&A area). The Secretary requests public comments on the proposed framework and on the amount of Pacific whiting to be set aside for the Makah Indian Tribe (Makahs) for 1996 under the provisions of this rule. The intent of this rule is to accommodate treaty fishing rights.

DATES: Comments will be accepted on or before April 12, 1996.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115. Information relevant to this proposed rule is available for public review during business hours at the Office of the Director, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140.

SUPPLEMENTARY INFORMATION: NMFS is issuing a proposed rule, based on the agency's authority under the Pacific Coast Groundfish Fishery Management Plan (FMP) and the Magnuson Fishery Conservation and Management Act (Magnuson Act) to amend the FMP's implementing regulations to establish a clear procedure for implementing the Washington coastal treaty Indian tribes' rights to harvest Pacific groundfish. At the same time, NMFS is seeking public comment on the amount of Pacific whiting to set aside in 1996 for the Makahs under the procedures of this rule. For purposes of this rule, Washington coastal treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation.

Background

The FMP generally acknowledges that certain treaty Indian tribes have secured rights to harvest fish from their U&A area. However, the FMP's implementing regulations currently do not explicitly provide a process by which NMFS can set aside, from the annual harvest guideline or quota, amounts of Pacific groundfish for exclusive harvest by treaty Indian tribes. Since 1989 NMFS, at the recommendation of the Pacific Fishery Management Council (Council), has set aside, through the annual groundfish management process, a specific amount of sablefish for harvest by the Pacific Coast treaty Indian tribes. In 1992, NMFS first imposed black rockfish trip limits on commercial hook and line vessels fishing in certain areas off the Washington coast. The same regulation created a process for establishing a tribal rockfish harvest guideline during the annual groundfish management process. Tribal fishermen fishing under this harvest guideline are not subject to the black rockfish trip limit.

In June of 1995, the Makahs informed NMFS and the Council that they would seek to exercise their treaty rights to harvest Pacific whiting, *Merluccius productus.* At the August 1995 Council meeting, the Makahs requested that 25,000 metric tons (mt) of whiting be set aside from the 1996 U.S. harvest guideline for exclusive harvest by the Makahs.

At the October 1995 Council meeting, NMFS and NOAA General Counsel advised the Council that the Federal Government recognizes that Washington coastal treaty Indian tribes, by virtue of their treaties with the United States, have harvest rights to Pacific coast groundfish.

NMFS believes the Makahs have a treaty right to harvest one-half of the harvestable surplus of the Pacific whiting stocks found in their U&A area, in accordance with treaty fishing rights elaborated by a U.S. District Court in the case *United States* v. *Washington.* NMFS believes that the allocation principles applicable to the tribal treaty right to Pacific whiting and all other groundfish found in the treaty tribes' U&A areas are those established in *State of Washington* v. *Washington State Commercial Passenger Fishing Vessel Association,* 443 U.S. 658, 99 S.Ct. 3055, 3074 (1979), and *Makah Indian Tribe* v. *Brown,* No. C–85–1606R, and *United States* v. *Washington,* Civil No. 9213—Phase I, Subproceeding No. 92–1 (W.D. Wash., Order on Five Motions Relating to Treaty Halibut Fishing dated December 29, 1993). *Passenger Fishing Vessel* establishes the rule that ''an equitable measure of the common right would initially divide the harvestable portion of each run that passes through a 'usual and accustomed' place into approximately equal treaty and non-treaty shares.'' *Makah* v. *Brown* held that:

> In formulating his allocation decisions, the Secretary must accord treaty fishers the opportunity to take 50 percent of the harvestable surplus of halibut in their usual and accustomed fishing grounds, and the harvestable surplus must be determined according to the conservation necessity principle.

In the shellfish subproceeding (89–3) in *United States* v. *Washington,* the court found that the right to take fish that was reserved in the treaties must be read to apply to all fish, without any species limitation. The court found:

> The fact that some species were not taken before treaty time—either because they were inaccessible or the Indians chose not to take them—does not mean that their *right* to take such fish was limited.

At the October Council meeting, NMFS and NOAA Northwest General Counsel advised the Council that Indian treaty rights were ''other applicable law'' under the Magnuson Act that required NMFS to set aside an amount of whiting for harvest by the Makahs in 1996 consistent with their treaty rights. NMFS advised the Council that discussions between NMFS and the Makahs to determine the appropriate amount of whiting to be set aside in 1996 had not yet been completed, and that some disagreement between NMFS and the Makahs as to the proper method of determining the amount still existed. Despite the advice by NMFS and NOAA Northwest General Counsel, the Council voted 7–4 against recommending that NOAA/NMFS recognize that the Washington coastal treaty tribes have treaty rights to Pacific whiting and set aside any amount of whiting for harvest by the Makahs in 1996. The Council voted after consideration of testimony from the State of Oregon's Attorney General's Office that a treaty tribe's right to harvest fish from its U&A area only exists for those species to which the tribe can show historical catch or access at the time that the treaty was signed.

NMFS cannot accept the Council's recommendation because it is contrary to treaty fishing rights law. Consequently, NMFS proposes to

amend the FMP's implementing regulations to provide a framework process by which NMFS can accommodate treaty rights by setting aside specific amounts of Pacific groundfish for harvest by the treaty Indian tribes or by implementing regulations to otherwise accommodate treaty rights. At the same time, NMFS proposes to modify the groundfish regulations as described below to consolidate regulations affecting treaty Indian fishing into one section and to accommodate the treaty trawl harvest of midwater groundfish species. In addition, NMFS seeks public comment on the amount of Pacific whiting it will set aside for exclusive harvest by the Makahs in 1996.

When the Council considered the Makahs' request, the combined United States and Canada coastwide acceptable biological catch (ABC) was projected to be 123,000 mt. During the last few years, the U.S. harvest guideline was 80 percent of the combined ABC. Based on the projected U.S. and Canadian combined ABC of 123,000 mt, the U.S. harvest guideline was projected to be 98,400 mt. In late January, during the preparation of this proposed rule, a new whiting stock assessment, based on the 1995 NMFS hydroacoustic survey, was completed which resulted in the projected ABC for both the United States and Canada increasing to at least 250,000 mt and possibly as high as 350,000 mt. At 80 percent of the combined ABC, the U.S. harvest guideline now would increase to at least 200,000 mt and possibly as high as 280,000 mt. At its March 11–15, 1996, meeting in Portland, OR, the Council will recommend the level for a U.S. harvest guideline.

Proposed Rule

The proposed rule would be implemented under authority of Section 305(d) of the Magnuson Act, which gives the Secretary responsibility to ''carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this Act.'' With this proposed rule, NMFS, acting on behalf of the Secretary, would ensure that the FMP is implemented in a manner consistent with treaty rights of four Northwest tribes to fish in their ''usual and accustomed grounds and stations'' in common with non-tribal citizens. *United States* v. *Washington*, 384 F. Supp. 313 (W.D. 1974).

Under the framework to be established by this proposed rule, NMFS would be able to accommodate the rights of the treaty tribes to fish for groundfish in their U&A area by setting aside appropriate amounts of fish through the framework process for setting annual harvest specifications or by means of specific regulations. The framework process would be initiated by a request to NMFS for a set-aside or regulations from one or more Washington coastal treaty Indian tribes prior to the first of the two annual groundfish meetings of the Council. NMFS would consider the tribal requests, recommendations from the Council, and comments of the public, and would determine the amount of the set-aside for each species or the appropriate regulatory language. NMFS would announce the tribal set-asides in the Federal Register when the annual harvest and allocation specifications for the groundfish fishery are announced. Tribal groundfish set-asides would be managed by the tribes.

The proposed rule also describes the physical boundaries of the Washington Coastal treaty Indian tribes' U&A areas, and acknowledges these boundaries may be revised as ordered by a Federal court. These areas are the same as those set out in NMFS regulations for salmon since 1987 and for Pacific halibut since 1986.

A valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, would be *prima facie* evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.

Participation in a tribal fishery for Pacific Coast groundfish authorized under these regulations would not require a Federal limited entry permit. However, fishing by members of a Washington coastal treaty Indian tribe outside the tribe's U&A area or for a species not covered by a set-aside or regulation under this rule would be subject to the same regulations as other, non-treaty persons participating in the fishery.

Harvests from tribal fisheries under this regulation would not be subject to, or alter rules concerning, harvesting or processing apportionments in the non-treaty fisheries; the whiting allocation regulations at 663.23(b)(4) are proposed to be modified to clarify this. The proposed rule also would allow release to the non-treaty fishery of whiting set-aside for the tribes that the tribes will not use.

The regulations governing tribal harvest of black rockfish described above would be moved to this section to consolidate all tribal regulations into one section. In addition, the harvest guideline would be changed from a harvest guideline for all rockfish to one for black rockfish. When the black rockfish provision was added to the regulations, the harvest guideline was only necessary to exempt tribal members from the black rockfish trip limits (since the open access trip limits on other rockfish were not constraining on the tribal hook and line vessels). However, the data collection system did not distinguish black rockfish from other rockfish, so the harvest guideline was established for all rockfish. The tribes now can and do distinguish black rockfish from other rockfish, so the harvest guideline would be changed to one for black rockfish only, rather than all rockfish. The tribal members fish with hook and line for other rockfish within the open access fishery, and have no need for a special regulation or specific allocation. Also, at the time the regulation was adopted, the only tribal fishery that harvested rockfish was the hook and line fishery, which this rule was adopted to cover. Therefore, this rule is being modified to clarify that the harvest guideline only applies to the hook and line fishery.

The Makahs also plan to harvest midwater species other than whiting, using midwater trawl gear in their U&A area. Rather than attempt to quantify their treaty entitlement to these species at this early point in the process, the Makahs have agreed that their vessels will trawl for these other midwater species in conformance with trip limits established for the limited entry fishery (§ 663.24(k)). NMFS agrees that this is a reasonable accommodation of the treaty right, particularly in view of data limitations and uncertainty in quantifying treaty rights.

As a housekeeping matter, § 663.23(b)(1)(i) is proposed to be deleted because it is unnecessary. This paragraph states that: ''The trip limit for a vessel engaged in fishing with a pelagic trawl with mesh size less than 4.5 inches in the Conception or Monterey subareas is 500 pounds or 5 percent by weight of all fish on board, whichever is greater, of the species group composed of bocaccio, chilipepper, splitnose, and yellowtail rockfishes per fishing trip.'' This paragraph has been in the regulations since 1982 when the FMP first was implemented (47 FR 43980, October 5, 1982). The management of the fishery has evolved so that NMFS and the Council annually set and adjust trip limits for various species, including the *Sebastes* complex that contains those species listed in § 663.23(b)(1)(i). Therefore, the trip limits in this paragraph are no longer necessary, as the species are adequately protected by the current trip limit system.

Makah Tribe Pacific Whiting Set Aside for 1996

Pacific whiting, formerly a ''trash'' species for which there were few markets, has been fully exploited by U.S. non-treaty fishermen and processors since 1989, and is the object of intense competition between shoreside and at-sea processors and non-treaty fishermen.

In 1994, NMFS recognized the existence of an Indian treaty right to Pacific Coast groundfish (all species including Pacific whiting) for the Washington coastal treaty Indian tribes (exchange of correspondence between the General Counsel, National Oceanic and Atmospheric Administration, dated October 13, 1994, and the Solicitor, Department of the Interior, dated October 21, 1994).

The remaining issue is the quantification of the Makahs' right to Pacific whiting in the Makahs' U&A area. Under the legal principles discussed above, the question becomes one of attempting to determine what amount of fish constitutes half the harvestable surplus of Pacific whiting in the Makahs' U&A area, determined according to the conservation necessity principle. The conservation necessity principle means that the determination of the amount of fish available for harvest must be based solely on resource conservation needs. This determination is difficult because, with the exception of *Makah* v. *Brown* (the Pacific halibut case), most of the legal and technical precedents are based on the biology, harvest, and conservation requirements for Pacific salmon, which are very different from those for Pacific whiting. Quantifying the tribal right to whiting is also complicated by data limitations and by the uncertainties of Pacific whiting biology and conservation requirements.

In determining the appropriate Makah whiting allocation, NMFS's initial proposal is to rely on biomass and harvest estimates for Pacific whiting, which are the only data available, and to base the Makahs' treaty entitlement on the whiting biomass in the Makahs' U&A area, taking into account the conservation necessity principle.

The Makahs have not stated what they believe is their ultimate treaty right, nor what method they would propose to use in quantifying the right. Rather, the Makahs have advanced two proposals for 1996 only (described below), both of which they believe to be within the parameters of the treaty right. The Makahs initially proposed an allocation that would result in their harvesting up to approximately 25 percent of the total U.S. ABC in the Makahs' U&A area. After further discussions with NMFS, the Makahs made a compromise proposal for an allocation of 15,000 mt for 1996.

In *Makah* v. *Brown,* the Pacific halibut case, the court set the amount of the tribal treaty right as half the amount of halibut that was actually harvested in the tribal U&A area, based on historical statistics for harvests by both treaty and non-treaty fisheries that occurred in the tribal U&A area. However, the Pacific whiting fishery differs from the halibut fishery in that there is no established pattern of harvest closely linked to the area of the tribal U&A area. The current Pacific whiting management regime assumes that harvests will be generally proportionate to biomass distribution, but so far NMFS has not imposed management measures to enforce proportional harvest in the various subareas.

The Makahs argue that under the conservation necessity principle, NMFS must show that a restriction on a tribal fishery ''is required to prevent demonstrable harm to the actual conservation of fish.'' *United States* v. *Washington,* 384 F. Supp. 312, 415 (W.D. Wash. 1974) (emphasis added). They point out that NMFS' proposal to base the tribal entitlement on biomass in the Makahs' U&A area, is not required to prevent demonstrable harm to the resource. The Makahs argue further that ''management measures cannot be applied to the treaty fishery that are not applied to other segments of the fishery.'' They argue that since NMFS has not imposed a specific limit on the amount of whiting that may be harvested in the Makahs' U&A area, NMFS has no right to restrict the treaty Indian fishery separately. Finally, the Makahs argue that basing tribal allocations on the whiting biomass in the Makahs' U&A area does not account for the quantity of whiting that pass through their fishing area.

The Makahs' initial proposal was based on whiting biomass from a larger area than the Makahs' U&A area. Since NMFS had never managed the fishery based on biomass estimates for subdivisions of the coast, the Makahs would not agree to focusing on an area the size of the Makahs' U&A area. The smallest area they would consider using for a biomass estimate is the North Columbia/Vancouver area. This proposal would give the Makahs about 25 percent of the U.S. share of the total U.S. Pacific whiting ABC for the Pacific Coast (equivalent to 25 percent of the harvest guideline). It is based on comparing the biomass between the ''South Columbia'' and the ''North Columbia/Vancouver'' areas, where 98 percent of the U.S. harvest has occurred in recent years. (Note: To protect juvenile whiting and sensitive salmon stocks that exist south of 42° N. lat., the United States prohibits at-sea processors from operating south of 42° N. lat. As a result, Pacific whiting harvest is concentrated north of 42° N. lat.). About half of the northern biomass occurs in the Columbia/Vancouver area, and about half in the South Columbia area. The Makahs conclude from this that the harvest should be split equally (50:50) between the two areas, and proposed that it be allocated half of the harvest in ''North Columbia/Vancouver,'' or 25 percent of the total U.S. harvest guideline.

As described earlier, when the Makahs made this proposal, the projected 1996 U.S. harvest guideline was 98,400 mt. Under this assumption, the Makahs' whiting allocation would have been 24,600 mt. The new whiting stock assessment now results in a projected harvest guideline of at least 200,000 mt and possibly as high as 280,000 mt. Under the revised projected range of possible U.S. harvest guidelines, the Makahs' whiting allocation under the Makahs' proposal would be at least 50,000 mt and as high as 70,000 mt.

The following information places the Makahs' proposal in geographical context. The entire Pacific Coast groundfish fishery management area (from 3–200 miles offshore from Canada to Mexico) is divided into five management subareas. From south to north these are Conception (Mexico to 36° N. lat.), Monterey (36° N. lat. to 40°30′ N. lat.), Eureka (40°30′ N. lat. to 43° N. lat.), Columbia (43° N. lat. to 47°30′ N. lat.), and Vancouver (47°30′ N. lat. to Canada). The dividing line between ''South Columbia'' and ''North Columbia/Vancouver'' referred to in the Makahs' proposal is at approximately the latitude of Cape Falcon, Oregon (45°46′ N. lat.). The Makahs' U&A area is in the area south of the international boundary with Canada, north of 48°02′15″ N. lat. (Norwegian Memorial), and east of 125°44′00″ W. long. The Makahs' U&A area is approximately 8.4 percent of the Columbia/Vancouver latitudinal range (i.e., from Canada to 43° N. lat.), where most of the whiting harvest occurs.

NMFS' initial proposal is to quantify the Makahs' treaty right by a method that is linked to the biomass within the Makahs' U&A area (9.4 percent of the U.S. portion of the biomass), enlarged by a multiplier described below. The multiplier is NMFS' attempt to accommodate the conservation

necessity principle established in case law. We believe the multiplier, which is based in past experience, represents the highest harvest level that can be accommodated without raising conservation concerns.

Assuming that an exploitation rate with a value of ''1'' represents harvest directly correlated to the percentage of biomass in the Makahs' U&A area, NMFS proposes to use an exploitation rate multiplier of 1.375 to determine the total allowable harvest in the area. This figure (1.375) is the ratio between the 1989 exploitation rate in the Eureka area (33 percent) and the 1989 average exploitation rate (24 percent) for the Eureka, Columbia, and Vancouver areas (which is where nearly all of the whiting harvest occurs). The 1989 exploitation rate in the Eureka area is the largest upward deviation from the average exploitation rate for any statistical area in either 1989 or 1992, which are the years, after whiting became fully exploited, for which we have data on biomass distribution and harvest rate. (The data on distribution and biomass come from NMFS's triennial trawl surveys).

Multiplying the percentage of exploitable biomass in the Makahs' area (9.4 percent) times the exploitation rate multiplier 1.375 yields 12.9 percent. Based on past experience, this is the percentage of the U.S. ABC (harvest guideline) that NMFS believes can safely be taken from the Makahs' area on an annual basis. Under the equal sharing principle, one-half of that (6.5 percent) should be allocated for harvest by the Makahs in their U&A area. For 1996, under the earlier assumption for a U.S. harvest guideline of 98,400 mt, the Makahs' whiting allocation would be 6,359 mt. Based on the new stock assessment, however, the Makahs' allocation under the NMFS proposal would be at least 13,000 mt, and possibly as much as 18,000 mt depending on the final U.S. harvest guideline adopted. Also, if analysis of the NMFS 1995 hydroacoustic survey information results in a different biomass distribution, or a higher multiplier, NMFS would substitute the new information in determining the actual amount of whiting to set aside for harvest by the Makahs in 1996 under the NMFS proposal.

NMFS believes that a biomass-based approach to quantifying the Makahs' treaty right, linked to the Makahs' U&A area and adjusted according to the conservation necessity principle, is justified by the following considerations:

(1) Whiting stock assessments (which are used to establish the annual ABC and harvest guideline) assume that whiting are exploited at the same rate throughout the management area. This assumption of uniform exploitation rate is the safest biological assumption until it can be demonstrated that a different geographic pattern of harvest is not harmful.

(2) Although the U.S. and Canada are not in complete agreement on the bi-national whiting allocation, the distribution of biomass is recognized by both nations as a sound management basis for fisheries allocations.

(3) If the Makahs' proposal became the minimum annual harvest allocation, it would concentrate at least 25 percent of the coastwide annual harvest into the Makahs' U&A area on a continual basis, while the area had only 9.4 percent of the harvestable biomass when last surveyed in 1992. The percentage harvest in the area would actually be greater than 25 percent if a portion of the non-treaty fishery also occurred there. A high degree of harvest concentration creates a conservation concern if it (1) involves a large fraction of the total harvest; (2) deviates greatly from the average harvest rate for the fishing area; and/or (3) will occur indefinitely. Although data are not presently available that allow us to evaluate exactly the biological effects of the Makahs' proposal, it raises all three of these concerns. Other potential biological impacts associated with a high degree of harvest concentration on whiting in the Makahs' area include disturbing the schooling pattern of the whiting, and increased bycatch of other species.

During subsequent discussions between NMFS and the Makahs, in recognition of the unresolved legal and technical difficulties in quantifying the treaty right to Pacific whiting, the Makahs advanced a compromise consisting of a 1-year interim allocation of 15,000 mt for the Makahs in 1996. The proposed 15,000-mt allocation does not reflect either the NMFS or the Makahs' view of the amount of whiting the Makahs are entitled to under their Treaty. It represents a compromise proposal by the Makahs that, according to the Makahs, reflects the minimum amount of whiting necessary to initiate a fishery by the Makahs. If implemented by NMFS for 1996, it would be intended for one year only, and would not be considered to set any precedent regarding either quantification of the Makahs' treaty entitlement or future allocations. At the time it was proposed, adopting the 15,000-mt compromise for 1996 was intended to accommodate the Makahs' treaty right and provide NMFS and the Makahs additional time to determine a long-term quantification of the right. This Makah proposal is more than twice the amount of whiting that would have been allocated to the Makahs under the NMFS proposal (using the initial assumption of a U.S. harvest guideline of 98,400 mt). However, based on the new stock assessment, under which the NMFS proposal results in potential allocations to the Makahs of 13,000 to 18,000 mt, the NMFS proposal and the Makahs' compromise proposal for an allocation of 15,000 mt are not markedly different.

Therefore, NMFS seeks public comment on each of the three proposals, explained above, on the appropriate amount of whiting to allocate to the Makahs in 1996. The three alternatives include the Makahs' initial proposal of 25 percent of the 1996 U.S. harvest guideline, the NMFS proposal of 6.5 percent, and the Makahs' compromise 1-year allocation of 15,000 mt. This allocation also would include a provision to release to the non-treaty fishery any portion of the Makahs' set aside estimated by the Tribe not to be needed by them in 1996.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has preliminarily determined that this proposed rule is necessary for management of the Pacific Coast groundfish fishery and that it is consistent with the Magnuson Act and other applicable law.

NMFS prepared an environmental assessment (EA) for this proposed rule that discusses the impact on the environment as a result of this rule. The EA concludes that the biological and physical impacts are most likely indistinguishable from those of the limited entry trawl fleet in general for most groundfish species that the Makahs have agreed to manage under the current limited entry trawl-trip limits. The EA also asserts that the same conclusion is valid for both the NMFS proposal and the Makahs' 15,000-mt proposal to implement a Makah allocation, under the framework proposal, for Pacific whiting. Conservation concerns arise for both Pacific whiting and bycatch species such as Pacific ocean perch if the Makahs' initial proposal for an allocation amounting to 25 percent of the U.S. Pacific whiting harvest guideline were implemented on a longterm basis. On the basis of the EA, the AA concluded that there would be no significant impact on the environment under any of the alternatives. A copy of the EA is available from NMFS (see **ADDRESSES**).

NMFS prepared an initial regulatory flexibility analysis as part of the regulatory impact review, which describes the impact this proposed rule would have on small entities, if adopted. The proposed framework in itself would not have a significant economic impact on a substantial number of small entities. Of the three allocation options considered under the framework for 1996, all potentially would affect a ''substantial number'' of small business entities (tribal and non-tribal catcher vessels that do not process, and shore-based whiting processors). However, if either the second Makah option (15,000 mt) or NMFS option (13,000 mt or up to 18,000 mt depending on the harvest guideline adopted) were implemented, it would not cause ''significant economic impacts''—these sectors would receive more whiting in 1996 than in 1995, largely due to the expected increase in the harvest guideline. Only the initial Makah option (25 percent of the U.S. harvest guideline) could result in a significant economic impact. A copy of this analysis is available from NMFS (see **ADDRESSES**).

A formal section 7 consultation under the Endangered Species Act was concluded for the Pacific Coast Groundfish FMP. In a biological opinion dated August 28, 1993, and a subsequent reinitiation dated September 27, 1993, the AA determined that fishing activities conducted under the FMP and its implementing regulations are not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS.

This proposed rule has been determined by the Office of Management and Budget to be significant for purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 8, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 663 is proposed to be amended as follows:

PART 663—PACIFIC COAST GROUNDFISH FISHERY

1. The authority citation for part 663 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 663.2 is amended by adding the definition for ''commercial harvest guideline or commercial quota'', in alphabetical order, to read as follows:

§ 663.2 Definitions.

* * * * *

Commercial harvest guideline or *commercial quota* means the harvest guideline or quota after subtracting any allocation for the Pacific Coast treaty Indian tribes or for recreational fisheries. Limited entry and open access allocations are based on the commercial harvest guideline or quota.

* * * * *

3. In § 663.7, paragraphs (n) and (o) are revised to read as follows:

§ 663.7 Prohibitions.

* * * * *

(n) Process Pacific whiting in the fishery management area during times or in areas where at-sea processing is prohibited, unless the fish were received from a member of a Pacific Coast treaty Indian tribe fishing under § 663.24.

(o) Take and retain or receive, except as cargo, Pacific whiting on a vessel in the fishery management area that already possesses processed Pacific whiting on board, during times or in areas where at-sea processing is prohibited, unless the fish were received from a member of a Pacific Coast treaty Indian tribe fishing under § 663.24.

* * * * *

4. In § 663.23, paragraphs (b)(1) and (b)(4)(i) through (b)(4)(iv) are revised to read as follows:

§ 663.23 Catch restrictions.

* * * * *

(b) * * *

(1) *Black rockfish.* The trip limit for black rockfish (Sebastes melanops) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09′30″ N. lat.), and between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.), is 100 pounds or 30 percent by weight of all fish on board, whichever is greater, per vessel per fishing trip.

* * * * *

(4) * * *

(i) *The shoreside reserve.* When 60 percent of the commercial harvest guideline for Pacific whiting has been or is projected to be taken, further at-sea processing of Pacific whiting will be prohibited pursuant to paragraph (b)(4)(iv) of this section. The remaining 40 percent is reserved for harvest by vessels delivering to shoreside processors.

(ii) *Release of the reserve.* That portion of the commercial harvest guideline that the Regional Director determines will not be used by shoreside processors by the end of that fishing year shall be made available for harvest by all fishing vessels, regardless of where they deliver, on August 15 or as soon as practicable thereafter. NMFS may again release whiting at a later date if it becomes obvious, after August 15, that shore-based needs have been substantially over-estimated, but only after consultation with the Council and only to ensure full utilization of the resource. Pacific whiting not needed in the fishery authorized under § 663.24 also may be made available.

(iii) *Estimates.* Estimates of the amount of Pacific whiting harvested will be based on actual amounts harvested, projections of amounts that will be harvested, or a combination of the two. Estimates of the amount of Pacific whiting that will be used by shoreside processors by the end of the fishing year will be based on the best information available to the Regional Director from state catch and landings data, the survey of domestic processing capacity and intent, testimony received at Council meetings, and/or other relevant information.

(iv) *Announcements.* The Assistant Administrator will announce in the Federal Register when 60 percent of the commercial harvest guideline for whiting has been, or is about to be, harvested, specifying a time after which further at-sea processing of Pacific whiting in the fishery management area is prohibited. The Assistant Administrator will publish a document in the Federal Register to announce any release of the reserve on August 15, or as soon as practicable thereafter. In order to prevent exceeding the limits or underutilizing the resource, adjustments may be made effective immediately by actual notice to fishermen and processors, by phone, fax, Northwest Region computerized bulletin board (contact 206–526–6128), letter, press release, and/or U.S. Coast Guard Notice to Mariners (monitor channel 16 VHF), followed by publication in the Federal Register, in which instance public comment will be sought for a reasonable period of time thereafter. If insufficient time exists to consult with the Council, the Regional Director will inform the Council in writing of actions taken.

* * * * *

5. Section 663.24 is added to read as follows:

§ 663.24 Pacific Coast treaty Indian fisheries.

(a) Pacific Coast treaty Indian tribes have treaty rights to harvest groundfish in their usual and accustomed fishing areas in U.S. waters.

(b) For the purposes of this part, Pacific Coast treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation.

(c) The Pacific Coast treaty Indian tribes' usual and accustomed fishing areas within the fishery management area (FMA) are set out below. Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(1) *Makah*—That portion of the FMA between 48°02′15″ N. lat. (Norwegian Memorial) and east of 125°44′00″ W. long.

(2) *Quileute*—That portion of the FMA between 48°07′36″ N. lat. (Sand Point) and 47°31′42″ N. lat.(Queets River) and east of 125°44′00″ W. long.

(3) *Hoh*—That portion of the FMA between 47°54′18″ N. lat. (Quillayute River) and 47°21′00″ N. lat. (Quinault River) and east of 125°44′00″ W. long.

(4) *Quinault*—That portion of the FMA between 47°40′06″ N. lat. (Destruction Island) and 46°53′18″ N. lat. (Point Chehalis) and east of 125°44′00″ W. long.

(d) *Procedures.* The rights referred to in paragraph (a) of this section will be implemented by the Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public. The rights will be implemented either through an allocation of fish that will be managed by the tribes, or through regulations in this section that will apply specifically to the tribal fisheries. An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the Regional Director, prior to the first of the Council's two annual groundfish meetings. The Secretary generally will announce the annual tribal allocation at the same time as the annual specifications developed under section II.H. of the Appendix to this part.

(e) *Identification.* A valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, is *prima facie* evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.

(f) A limited entry permit under subpart C of this section is not required for participation in a tribal fishery described in paragraph (d) of this section.

(g) Fishing under this section by a member of a Pacific Coast treaty Indian tribe within their usual and accustomed fishing area is not subject to the provisions of other sections of this part.

(h) Any member of a Pacific Coast treaty Indian tribe must comply with this section, and with any applicable tribal law and regulation, when participating in a tribal groundfish fishery described in paragraph (d) of this section.

(i) Fishing by a member of a Pacific Coast treaty Indian tribe outside the applicable Indian tribe's usual and accustomed fishing area, or for a species of groundfish not covered by an allocation or regulation under this section, is subject to the regulations in the other sections of this part.

(j) *Black rockfish.* Harvest guidelines for commercial harvests of black rockfish by members of the Pacific Coast Indian tribes using hook and line gear will be established annually for the areas between the U.S.–Canada border and Cape Alava (48°09′30″ N. lat.) and between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.), in accordance with the procedures for implementing annual specifications in section II.H of the Appendix to this part. Pacific Coast treaty Indians fishing for black rockfish in these areas under these harvest guidelines are subject to the provisions in this section, and not to the restrictions in other sections of this part.

(k) *Groundfish without a tribal allocation.* Makah tribal members may use midwater trawl gear to take and retain groundfish for which there is no tribal allocation, and will be subject to the trip landing and frequency and size limits applicable to the limited entry fishery.

6. The Appendix to this part is amended by revising the first paragraph in section II.H. to read as follows:

Appendix to Part 663—Groundfish Management Procedures

* * * * *

II. * * *

H. * * *

Annually, the Council will develop recommendations for specification of ABCs, identification of species or species groups for management by numerical harvest guidelines and quotas, specification of the numerical harvest guidelines and quotas, and apportionments to DAP, JVP, DAH, TALFF, and the reserve over the span of two Council meetings. The Council also will develop recommendations for the specification of allocations for Pacific Coast treaty Indian tribes as described at § 663.24.

* * * * *

[FR Doc. 96–6054 Filed 3–8–96; 3:49 pm]

BILLING CODE 3510–22–W

Notices

Federal Register
Vol. 61, No. 50
Wednesday, March 13, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[SD–96–0001]

Plant Variety Protection Advisory Board; Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Plant Variety Protection Advisory Board. The Plant Variety Protection Advisory Board will hold an open meeting to discuss publication of the final regulations and rules of practice under the Plant Variety Protection Act (amended 1994), coverage of F1 hybrids under the Act, and other related topics. Comments may be submitted before, at, or after the meeting to the contact person listed below.

DATES: Thursday, March 28, 1996, 9 a.m. to 5 p.m., open to the public.

ADDRESSES: The meeting will be held in the National Agricultural Library Building, Conference Room 1400 (Fourteenth Floor), Beltsville, Maryland.

FOR FURTHER INFORMATION CONTACT: Commissioner Marsha A. Stanton, Plant Variety Protection Office, Room 500, National Agricultural Library Building, Beltsville, Maryland 20705 (301/504–5518).

Dated: March 11, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96–6136 Filed 3–12–96; 8:45 am]

BILLING CODE 3410–02–M

Noxious Weed Management

AGENCY: Forest Service, USDA.

ACTION: Notice of availability of final policy.

SUMMARY: The Forest Service gives notice of adoption of a final policy for noxious weed management in accordance with the 1990 Farm Bill amendments to the 1974 Noxious Weed Act. The final policy sets forth new direction to Forest Service personnel on the management for control of noxious weeds and undesirable plants on National Forest System lands, clarifies responsibilities and authorities for noxious weed management, and provides for an integrated weed management approach. The intended effect is to implement an integrated management approach which includes cooperation, education, prevention, treatment, containment, and control measures for noxious weed and undesirable plant infestations on National Forest System lands.

EFFECTIVE DATE: This policy, issued as Amendment 2000–95–5 to Chapter 2080 of the Forest Service Manual, was effective November 29, 1995.

FOR FURTHER INFORMATION CONTACT: Questions about this policy should be addressed to Deborah Hayes, Range Management Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090 or telephone (202) 205–1460.

SUPPLEMENTARY INFORMATION:

Background

Expansion of noxious weed infestation increasingly threatens susceptible land and water and can adversely affect food production, wilderness values, wildlife habitat, visual quality, forage production, reforestation, recreation opportunities, and land values.

In November 1990, in section 1453 of the 1990 Farm Bill (7 U.S.C. 2801 et seq.), Congress amended section 15 of the 1974 Noxious Weed Act to strengthen USDA's noxious weed management efforts. Pursuant to the 1990 amendment, the Secretary of Agriculture is to develop and coordinate a management program on National Forest System lands for control of noxious weeds and undesirable plants which are harmful, injurious, poisonous, or toxic, to establish and adequately fund the program; to complete and implement cooperative agreements regarding the management of noxious weeds on National Forest System lands; and to establish an integrated weed management approach to control or contain species identified and targeted under cooperative agreements and/or memorandums of understanding.

Additionally, the act authorizes the Forest Service to cooperate with State, county, and other Federal agencies in the application and enforcement of all laws and regulations relating to the management and control of noxious weeds.

In response to the 1990 Farm Bill, the Forest Service issued Interim Directive (ID) 2080–92–1 to Forest Service Manual Chapter 2080, Noxious Weed Management on August 3, 1992. Notice of this ID, with a request for public comment, was published in the Federal Register at 58 FR 6429. This ID expired February 3, 1994.

On February 18, 1994, the Forest Service reissued Interim Directive 2080–92–1 as Interim Directive (ID) 2080–94–1. This ID expired August 18, 1995. As a matter of agency directive system policy, the direction could not be reissued as interim direction again. Therefore, on August 31, 1995, the Forest Service issued Amendment 2000–95–3 to Forest Service Manual Chapter 2080, Noxious Weed Management, which kept the direction in force until a final revised policy, based on consideration of comments received from the public, could be issued.

The final noxious weed management policy, Amendment 2000–95–5, issued on November 29, 1995, reflects careful consideration of comments received. The direction requires an Integrated Weed Management approach to meet vegetation management goals documented in Forest Land and Resource Management plans. Stated goals are to prevent the introduction and establishment of new noxious weed infestations; to contain and suppress existing noxious weed infestations; and to cooperate with State and local agencies, local landowners, weed control districts and boards, and other Federal agencies in management and control of noxious weeds. The noxious weed management program provides an opportunity for employees, users of National Forest System lands, adjacent landowners, and State agencies to increase their knowledge about noxious weed threats to native plant communities and ecosystems. Single copies of Forest Service Amendment

2000–95–5 may be obtained by contacting the Range Management Staff at the address listed under **FOR FURTHER INFORMATION CONTACT**.

Summary of Comments Received

In response to ID 2080–92–1, published in this Federal Register on December 6, 1993, with request for comment, 18 people submitted written comments. Of the 18 letters, 6 were from Federal agencies, 1 was from a State department of transportation, 3 were from State departments of agriculture, 2 were from weed management associations, 1 was from a native plant society, 1 was from a professional society, 1 was from a weed advisory council, and 3 were from individuals. This respondents represented the District of Columbia and nine States: Nevada, Florida, Maryland, Colorado, South Dakota, California, Oregon, New York, and Idaho.

The respondents broadly supported the overall policy direction for the noxious weeds management program. Comments dealt with funding, line officer responsibilities, program staffing, training, proposed weed classification system, definitions, flexibility for the local level, types of materials covered by closures, and activities that spread noxious weeds.

A summary of specific comments were received and organized by broad subject area, and the agency's response follows:

1. Comments: Objectives. Section 2080.2 of ID 2080–92–1 set out several noxious weed management objectives. Paragraph 2 of that section stated that one objective was to ''Prevent the introduction and establishment of new noxious weed infestations.'' One respondent thought it important to prevent the introduction of noxious weeds, but that this was not part of a management program. Furthermore, this respondent stated that the prevention of the introduction and establishment of noxious weeds is of critical importance to all lands in the United States, not just to Forest Service lands. Since the Animal and Plant Health Inspection Service (APHIS) has this broad responsibility, this respondent was unsure how the Forest Service could coordinate this activity purely in relation to Federal lands under Forest Service jurisdiction.

Response: As defined in the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) as integrated weed management program includes prevention; therefore, preventing introduction of noxious weeds on National Forest System lands and from National Forest System lands to other lands is considered a vital part of ongoing management and is appropriately addressed in a Forest Service directive. This directive applies only to management of noxious weeds in relation to management of National Forest System lands and does not usurp any role or authority of the Animal and Plant and Health Inspection Service. Therefore, the prevention objectives were retained in the final policy.

2. Comments: Policy. Section 2080.3 of ID 2080–92–1 establishes a policy to ''Develop, coordinate, and allocate adequate funds, to the extent funds are made available, for a noxious weed management program for NFS lands * * *.'' One respondent suggested deleting the words, ''to the extent funds are available,'' on the grounds that these words created the impression that the Noxious Weed Management program might be inadequately funded. Additionally, two respondents suggested including, as part of the final directive, the South Dakota Guidelines for coordinated management of noxious weeds. Another respondent recommended including words in the policy section that emphasize biodiversity.

Response: The agency has reworded the ''to the extent funds are available'' statement to be more positive, that is to ''Establish and adequately fund the program.'' The agency did consider the recommendation to include South Dakota Guidelines for the coordinated management of noxious weeds as part of its final policy statement and determined that guidelines of this type are appropriate to technical handbooks and thus, under agency directive system policy cannot be issued as Manual direction. In response to the recommendation to emphasize biodiversity, this goal is addressed by other agency policies and through the forest planning process. Therefore, this recommendation was not adopted.

3. Comments: Scale of Planning. Two respondents felt that in order for effective exotic-invader control to occur, it is imperative for the agency to develop a plan on an ecosystem-wide basis that would include ''* * * long term inter-agency and inter-jurisdictional strategic planning, inventory, agency and public education, conventional and innovative control procedures as well as long term commitment * * *.''

Response: By law, the Forest Service must prepare land and resource management plans on a forest unit basis. Also, this agency engages in assessments and inventories at multiple scales, including ecoregional assessments and involves its Federal and State partners in these efforts. The final policy includes language that allows and promotes planning in cooperation with other Federal and State agencies, county and local governments, and individuals; supports education and sharing of information; and considers multiple techniques for control and noxious weeds.

4. Comments: Project-level Analysis and Management. Paragraph 3 of section 2080.32, Project-level Analysis and Management, of ID 2080–92–1 stated that the agency personnel must ''Ensure that environmental controls and objectives are met for threatened and endangered or other species, as specified in applicable laws, policy, and regulations for project-level actions, as provided in the NEPA process.'' One respondent believed this implied that consideration for endangered species took priority over other activities when planning for the management of noxious weeds. While this respondent thought that endangered species, in general, needed to be protected, this reviewer also thought endangered species in a very small area may need to be sacrificed in order to avoid the spread of a noxious weed infestation to multi-millions of acres. Another person stated that the Noxious Weed Management policy contained no references to coordination with existing Forest Service policy on threatened and endangered species.

Response: Compliance with the Endangered Species Act (ESA) takes priority over the 1974 Noxious Weed Act. Coordination of the noxious weed management activities with existing threatened and endangered species policy is addressed under Prevention and Control Measures in section 2081.2 of the final policy; however, section 2080.32 of ID 2080–92–1 was not retained in the final policy, because project level planning is adequately addressed in the Forest Planning section or in other applicable agency directives.

5. Comment: Prevention and Control Measures. Section 2080.33 in ID 2080–92–1 set out methods and approaches for prevention, control, and management of the spread of noxious weeds. One respondent indicated that the activity of prevention and control was the responsibility of the Animal and Plant Health Inspection Service (APHIS), not of the Forest Service.

Response: The respondent's statement that prevention and control is the responsibility of APHIS is correct as far as introduction of new species into the United States is concerned. However, when new invaders threaten National Forest System lands, the Forest Service is authorized to cooperate with local

prevention and control efforts on a State-by-State or county-by-county basis, under Departmental Regulation 9500–10 issued January 18, 1990, and under final policy 2000–95–5, section 2080.2, which states, ''To use an integrated weed management approach to control and contain the spread of noxious weeds on National Forest System lands and from National Forest System lands to adjacent lands.''

6. Comment: Mandatory Compliance With State Law. Paragraph 3 in section 2080.33 of the ID stated that ''Where States have enacted legislation and have an active program to make weed-free forage available, forest officers should issue orders restricting the transport of feed, hay, straw, or mulch that is not declared weed-free,'' as provided in 36 CFR Parts 261.50(a) and 261.58(t). Some reviewers recommended changing the directive word ''*should* issue'' to ''*shall* issue,'' requiring mandatory compliance by agency officials, because weed-free hay, feed, mulch, and straw programs are powerful preventive measures and could save the Forest Service and taxpayers substantial money.

Response: As to the suggested word change from ''should'' to ''shall,'' the agency agrees and has adopted this recommended change to require mandatory compliance with State laws restricting transport of materials stated which are not declared weed-free.

7. Comment: List of Weed-free Materials. Another respondent recommended that the Prevention and Control Measures section include soils, mulches, borrow materials, and sod in the list of materials that are required to be weed-free.

Response: Many, but not all, of the items recommended for inclusion in the final policy are listed in section 2081 Management of Noxious Weeds of the final policy. However, the agency is not precluded from taking action to prevent the introduction of weeds through any source.

8. Comment: Expanding Prevention and Control Measures. One respondent questioned how weed-free hay could be regulated, how the program would be implemented, and whether it applies to livestock. Three respondents recommended addressing prevention and control measures as they pertain to other uses such as recreational activities on the National Forest System by adding references to recreationists, sports persons, and other forest visitors.

Response: The agency agrees with the suggestion that direction should address prevention and control of the spread of noxious weeds from recreational and other activities. Pursuant to 36 CFR part 261, Subpart B, the Forest Service may issue orders prohibiting the possession, storage, and transportation of plants or parts of plants, which may cause introduction of noxious weeds onto National Forest System lands. Therefore, the agency may restrict use, such as livestock grazing and recreational activities, that effectuate the introduction of noxious weeds.

9. Comment: Cooperation. Section 2080.34 of ID 2080–92–1 set out criteria for cooperative agreements between the Forest Service and other Federal and State agencies and County and local governments, as well as the Forest Service and individuals. Paragraph 2 in this section addressed ''cooperative research that defines the ecological requirements of noxious weeds, cost-effective management strategies, and beneficial uses.'' One respondent asked if the term ''beneficial uses'' referred to beneficial uses of weds or to the beneficial use of the land occupied by the weeds. Another respondent commented on Paragraph 3.c. of this section that referred to ''Research and using desirable plant species that are competitive with noxious weeds.'' The respondent said this statement does not define ''desirable plant.''

Response: The agency believes that the text makes clear that the term ''beneficial uses'' refers solely to beneficial uses of weeds. Therefore, no changes were made. In reference to the comment on ''desirable plants,'' the definition of ''desirable plant'' varies, since desirability depends on local ecosystem objectives. Therefore, the agency did not define desirable plant in this final policy.

10. Comment: Education and Public Awareness. One reviewer expressed concern about the introduction of noxious weeds by humans (on clothing, vehicles, all terrain vehicles, camping gear, etc.) and animals.

Response: The Forest Service is also concerned about this issue and sets out in section 2080.4 of final policy 2000–95–5 responsibilities that include development of public education programs and dissemination of information to the public about the threat of noxious weeds and potential methods of spreading them. Section 2082 of the final policy, the Cooperation section, includes direction to cooperate with other Federal, State, local and international agencies, and universities by developing educational and public awareness material and handbooks. This direction and emphasis was retained without change from that in the ID.

11. Comment: Managers' Responsibilities. Section 2080.4 of ID 2080–92–1 included the responsibility for each administrative level of the agency to appoint a noxious weed program coordinator. One respondent recommended that the words ''who is adequately trained in management of noxious weeds'' be inserted to require the appointment of adequately trained managers as specified in Section 15 of the Federal Noxious Weed Act. Another respondent suggested that in section 2080.4 the agency should require that field programs have a fully staffed and funded weed management specialist and not assign a staff person the weed management duties as a secondary assignment.

Response: In Section 2080.4 of the final policy, Regional Foresters, Forest Supervisors, and District Rangers are assigned responsibility to appoint noxious weed program responsibilities and to provide training. The specific elements of the training program are developed and tailored to meet the Noxious Weed Management training needs of the agency. The Forest Service does not have full time noxious weed management positions in many staff areas, because there is insufficient workload to warrant a full time position. The designated officials are responsible for the completion of the work required and have the discretion to hire additional employees based upon their noxious weed management workload.

12. Comment: Definitions. Section 2080.5 of ID 2080–92–1 defined noxious weeds as ''those plant species designated as noxious by Federal or State law.'' One respondent raised the issue that the Animal and Plant Health Inspection Service can not participate in programs on weed management that are listed solely on a State noxious weed list.

In this section of the ID, Integrated Weed Management was defined as ''A process for managing noxious weeds that considers other resources, uses an interdisciplinary approach, and incorporates a variety of methods for prevention and control. Methods include education, preventative measures, physical or mechanical methods, biological control, chemical methods, and cultural methods such as livestock or wildlife grazing strategies which accomplish vegetation management objective.''

The North American Weed Management Association (NAWMA) suggested that ''Integrated Weed Management'' (IWM) be defined as ''Integrated Weed Management, within the context of ecosystem management, is the planning and implementation of a coordinated, ecologically-based program using all proven methods to prevent, contain, and control noxious weeds to achieve the optimum

management desired with the least possible environmental damage. IWM uses an interdisciplinary approach and incorporates a variety of methods including education, preventive measures, physical or mechanical methods, biological control agents, herbicide methods, cultural methods, and management practices such as manipulation of livestock or wildlife grazing strategies, or improving wildlife or livestock habitat.''

Another respondent suggested the need for a definition of ''noxious weed'' that included other plants not listed by Federal or State government. One respondent stated that, by definition, indigenous plants cannot be included in the ''Undesirable Plants'' category.

Response: Addressing the role of the Animal and Plant Health Inspection Service is outside the scope of Forest Service policy.

In Section 2080.5 of the final policy, the Integrated Weed Management definition has been changed to more closely reflect the terminology in section 15 of the Federal Noxious Weed Act of 1974 and now defines integrated weed management as follows:

> An interdisciplinary pest management approach for selecting methods for preventing, containing, and controlling noxious weeds in coordination with other resource management activities to achieve optimum management goals and objectives. Methods include: education, preventive measures, herbicide, cultural, physical or mechanical methods, biological control agents, and general land management practices, such as manipulation of livestock or wildlife grazing strategies, that accomplish vegetation management objectives.

The definition of noxious weed has not been expanded. The agency believes the most defensible approach is to define noxious weeds as those plants species officially recognized by the legal jurisdictions in which the agency operates. Endangered species and indigenous plants are not included in the definition of ''Undesirable Plants.'' This is consistent with section 15 of the Federal Weed Act of 1974.

13. Comment: National Weed Classification System. A respondent indicated that the description of ''Class B'' noxious weeds was confusing as stated in paragraph 2 in section 2081.2 of ID 2080–92–1. The description stated ''Those noxious weeds that are non-native (exotic) species that are of limited distribution or are unrecorded in a region of the State but are common in other regions of the State. Class B plants receive second highest priority. Management emphasis is to contain the spread, decrease population size, and eventually eliminate the infestation when cost effective technology is available.''

Another respondent questioned whether the proposed National Noxious Weed Classification System defined in section 2080.2 of ID 2080–92–1 would be used throughout all National Forests or if each forest would have its own list. The respondent expressed concern that confusion will arise if each one uses a separate classification system.

Response: The agency agrees that a separate national classification system was confusing. Therefore, the agency has decided to use the same classification system of noxious weeds as that used by the respective State in which the National Forest System lands are located.

14. Comment: Memorandums of Understanding/Cooperative Agreements. Section 2082 of the Interim Directive 2080–92–1 set out basic criteria for Memorandums of Understanding and Cooperative Agreements. One respondent suggested modifying the wording on cooperative agreements to provide for greater flexibility at the state/regional level and have the local agreements spell out the specifics of a control program.

Response: The agency agrees and has made this change in the final policy.

Additional Changes

In addition to the changes due to comments, the agency deemed it necessary to change portions of the text to clarify the content, move and re-number sections in a different sequence, and emphasize subsections by making them sections. In the Objectives section, the first objective was deleted. Sections, Forest Planning and Prevention and Control, are now under section 2081—Management of Noxious Weeds.

The section, Project-level Analysis and Management, was deleted, because it was redundant of direction on addressing noxious weeds in Forest Land and Resources Management plans and through NEPA compliance.

The agency revised section 2080.33 of the ID, Prevention and Control Measures, to clarify how prevention and control measures are determined. Prevention and Control Measures contains the priority for work and directs that project managers ensure applicable laws, policy, regulations and planning direction be followed.

Section 2080.34 of the ID, Cooperation, is now a separate section 2082—Cooperation.

Section 2080.35 of the ID, Education and Policy Awareness, has been deleted. The responsibility for education is now addressed in 2080.4—Responsibility, where appropriate.

Section 2080.36 of the ID, Information Collection and Reporting, now section 2083—Information Collection and Reporting.

Paragraph 1 of section 2080.42, Responsibility—Regional Forester is redundant of Forest Land and Resource Management planning, therefore it was changed by removing the statement. Paragraph 4 was removed since priorities would be determined by State classification system and Forest level planning. Paragraph 4 of this section was removed, since priorities would be determined by State classification system and Forest level planning.

Paragraphs 1 and 6 of section 2080.43 of the ID, Responsibility—Forest Supervisor, was removed. Paragraph 1 referred to the statement of responsibilities for preventing and controlling noxious weeds and paragraph 6 referred to preparing noxious weed risk assessments. These are covered by the responsibilities of the District Ranger.

Section 2081.3 of the ID, Training, was deleted, because it has been placed in the appropriate section of managers' responsibilities in the final policy.

Regulatory Impact

This final policy has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not a significant rule. This policy will not have an annual effect of $100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This rule will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs. Accordingly, this final rule is not subject to OMB review under Executive Order 12866.

Moreover, this final policy has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and it has been determined that this action will not have a significant economic impact on a substantial number of small entities as defined by that Act. The rule imposes no additional requirements on the affected public.

Environmental Impact

Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180; September 18, 1992) excludes from documentation in an environmental assessment or impact statement ''rules,

regulations, or policies to establish Service-wide administrative procedures, program processes or instructions.'' Based on consideration of the comments received and the nature and scope of this policy, the Forest Service has determined that this policy falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement.

Controlling Paperwork Burdens on the Public

This policy does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR 1320 and, therefore, imposes no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) and implementing regulations at 5 CFR 1320 do not apply.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, the Department has assessed the effects of this rule on State, local, and tribal governments and the private section. The noxious weed management policy directs only the work of Forest Service employees and does not compel the expenditure of $100 million or more by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

Dated: March 7, 1996.

David M. Unger,

Associate Chief.

[FR Doc. 96–5972 Filed 3–12–96; 8:45 am]

BILLING CODE 3410–11–M

Grain Inspection, Packers and Stockyards Administration

Request for Comments on the Need for Official Services and Request for Applications for Designation to Provide Official Services in the Lubbock, Texas (TX) Region

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: Amarillo Grain Exchange, Inc. (Amarillo), has asked GIPSA to amend their designation to remove the Lubbock region from their assigned geographic area. GIPSA is asking for comments on the need for official services in the Lubbock region. GIPSA also is asking persons interested in providing official services in the Lubbock region to submit an application for designation.

DATE: Applications and comments must be postmarked or sent by telecopier (FAX) on or before April 10, 1996.

ADDRESSES: Applications and comments must be submitted to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. Telecopier (FAX) users may send applications or comments to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. If an application is submitted by telecopier, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at this address located at 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Amarillo has asked GIPSA to remove the Lubbock region from their assigned geographic area. The Lubbock region consists of: Andrews, Borden, Cochran, Crosby, Dawson, Dickens, El Paso, Gaines, Garza, Hockley, Howard, Kent, Lubbock, Lynn, Martin, Mitchell, Scurry, Terry, and Yoakum Counties, Texas, and the parts of Hale and Lamb Counties, Texas, assigned to Amarillo.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator, after determining that there is sufficient need for official services, to designate a qualified applicant to provide official services in a specified area after determining that the applicant is qualified and is better able than any other applicant to provide such official services. GIPSA is asking for comments on the need for official services in the Lubbock region (including volume estimates by carrier, type of service, and kind of grain). GIPSA also is asking persons interested in providing official services in the Lubbock region to submit an application for designation. The applicant selected for designation in the Lubbock region will be assigned by GIPSA's Administrator according to section 7(f)(1) of the Act.

Interested persons are hereby given an opportunity to submit comments on the need for official services in the Lubbock region, and to apply for designation to provide official services in the Lubbock region under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Applications and other available information will be considered in determining which applicant will be designated.

Designation in the Lubbock region is for the period beginning about August 1, 1996, and not to exceed 3 years as prescribed in section 7(g)(1) of the Act. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

AUTHORITY: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: March 7, 1996.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 96–5934 Filed 3–12–96; 8:45 am]

BILLING CODE 3410–EN–F

COMMISSION ON CIVIL RIGHTS

Amendment to Notice of Public Meeting of the Louisiana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Louisiana Advisory Committee to the Commission announced in the Federal Register, FR Doc 96–2570, 61 FR 4624, published February 7, 1996, will convene at 6:00 p.m. and adjourn at 8:30 p.m. on March 28, 1996, at the Radisson Hotel, 4728 Constitution, Baton Rouge, Louisiana 70808. (This amendment is for change of location and time only.)

Persons desiring additional information, should contact Melvin L. Jenkins, director of the Central Regional Office, 913–551–1400 (TTY 913–551–1414).

Dated at Washington, DC, March 7, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–5969 Filed 3–12–96; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Intent To Revoke the Order (In Part)

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Intent to Revoke the Order (In Part).

SUMMARY: On September 26, 1995, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (PRC) (60 FR 49572). The period of review (POR) is June 1, 1993, through May 31, 1994. Based on three years of sales at not less than foreign market value, we intend to revoke the order with respect to one company if the preliminary results of this and the two preceding reviews are affirmed in our final results.

EFFECTIVE DATE: March 13, 1996.

FOR FURTHER INFORMATION CONTACT: Charles Riggle, Hermes Pinilla, Andrea Chu, Kris Campbell or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–4733.

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 1995, the Department published the preliminary results of its administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (PRC) (60 FR 49572). The POR is June 1, 1993 through May 31, 1994.

For a detailed description of the products covered by this review, please see the notice of preliminary results referenced above.

Intent To Revoke

Shanghai General Bearing Company (Shanghai) requested, pursuant to 19 CFR 353.25(b), revocation of the order with respect to its sales of the merchandise in question and submitted the certification required by 19 CFR 353.25(b)(1). In addition, in accordance with 19 CFR 353.25(a)(2)(iii), Shanghai has agreed in writing to its immediate reinstatement in the order, as long as any producer or reseller is subject to the order, if the Department concludes under 19 CFR 353.22(f) that Shanghai, subsequent to revocation, sold merchandise at less than FMV. Based on the preliminary results in this review and the two preceding reviews (see *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Preliminary Results of Antidumping Administrative Reviews,* 60 FR 44302 (August 25, 1995)), Shanghai has demonstrated three consecutive years of sales at not less than foreign market value (FMV).

If the final results of this and the two preceding reviews demonstrate that Shanghai sold the merchandise at not less than FMV, and if the Department determines that it is not likely that Shanghai will sell the subject merchandise at less than FMV in the future, we intend to revoke the order with respect to merchandise produced and exported by Shanghai.

Interested parties may submit written comments (case briefs) within 15 days of the date of publication of this notice. Rebuttal comments (rebuttal briefs), which must be limited to issues raised in the case briefs, may be filed no later than 19 days after the date of publication.

The Department will instruct the Customs Service to collect cash deposits of estimated antidumping duties on all appropriate entries in accordance with the procedures discussed in the notice of preliminary results. Those deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act, and will remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 4, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–5916 Filed 3–12–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–549–401]

Certain Apparel From Thailand; Termination of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of termination of countervailing duty administrative review.

SUMMARY: The Department of Commerce (the Department) is terminating the administrative review of the countervailing duty order covering certain apparel from Thailand initiated on April 14, 1995.

EFFECTIVE DATE: March 13, 1996.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Kelly Parkhill, Office Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On March 30, 1995, Regis Marketing Group Inc. (Regis), a U.S. importer of certain apparel from Thailand, requested an administrative review of the countervailing duty order on certain apparel from Thailand for the period January 1, 1994 through December 31, 1994. No other interested party requested a review. On April 14, 1995, the Department published a notice initiating the administrative review for that period (60 FR 19017). On June 22, 1995, in accordance with the Interim Regulations which the Department published on May 11, 1995 (60 FR 25130), Regis amended its request to specify that the review cover only the following two companies, Chiangmai

P.K. House Co., Ltd., and General Garment Company, Ltd., manufacturers/exporters covered by the countervailing duty order on certain apparel from Thailand. On February 14, 1996, Regis submitted a withdrawal of its request for review.

Section 355.22(a)(3) of the Department's regulations provides that the Department may permit a party that requests a review to withdraw its request not later than 90 days after the date of publication of the notice of initiation of the review. This regulation also permits the Department to extend the time limit for withdrawal of a request for review if it is reasonable to do so.

Because no significant work has been completed on this review, Regis' request for withdrawal does not unduly burden the Department or the parties to the proceeding. Nor does it encourage the manipulation of the review process in an attempt to achieve lower (or higher) countervailing duty rates. *See Notice of Partial Termination of Administrative Review of Antidumping Order; Certain Corrosion-Resistant Carbon Steel Flat Products from Australia, Certain Cold-Rolled Carbon Steel Flat Products from Germany, and Certain Corrosion-Resistant Carbon Steel Flat Products from Korea,* 60 FR 18581 (April 12, 1995). Therefore, under the circumstances presented in this review, and in accordance with 19 CFR 355.22(a)(3), we have determined that it would be reasonable to grant the withdrawal at this time. Accordingly, we are terminating this review.

This notice is published in accordance with 19 CFR § 355.22(a)(3).

Dated: March 4, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–5917 Filed 3–12–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–559–001]

Certain Refrigeration Compressors From the Republic of Singapore; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On November 18, 1994, the Department of Commerce published the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore.

We have now completed this review and determine that the Government of the Republic of Singapore (GOS), Matsushita Refrigeration Industries (Singapore) Pte. Ltd. (MARIS) and Asia Matsushita Electric (Singapore) Pte. Ltd. (AMS), the signatories to the suspension agreement, have complied with the terms of the suspension agreement during the period April 1, 1992 through March 31, 1993.

EFFECTIVE DATE: March 13, 1996.

FOR FURTHER INFORMATION CONTACT: Rick Johnson or Jean Kemp, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–3793.

SUPPLEMENTARY INFORMATION:

Background

On November 18, 1994, the Department of Commerce (the Department) published in the Federal Register (59 FR 59750–2) the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore (48 FR 51167; November 7, 1983). We have now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by this review are shipments of hermetic refrigeration compressors rated not over one-quarter horsepower from Singapore. This merchandise is currently classified under *Harmonized Tariff Schedule* (HTS) item number 8414.30.40. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

The review period is April 1, 1992 through March 31, 1993. The Department examined six programs, one of which, Operational Headquarters, was determined not to apply to subject merchandise (see discussion below). The review covers one producer and one exporter of the subject merchandise, MARIS and AMS, respectively. These two companies, along with the GOS, are the signatories to the suspension agreement.

Under the terms of the suspension agreement, the GOS agrees to offset completely the amount of the net bounty or grant determined by the Department in this proceeding to exist with respect to the subject merchandise. The offset entails the collection by the GOS of an export charge applicable to the subject merchandise exported on or after the effective date of the agreement. *See Certain Refrigeration Compressors from the Republic of Singapore: Suspension of Countervailing Duty Investigation,* 48 FR 51167, 51170 (November 7, 1983).

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994. However, references to the Department's *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments* (54 FR 23366; May 31, 1989) (*Proposed Regulations*), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. *See* 60 FR 80 (Jan. 3, 1995).

Analysis of Comments Received

In our preliminary results of review, we preliminarily determined that the signatories to the suspension agreement complied with the terms of the suspension agreement during the period of review. We invited interested parties to comment on the preliminary results. We received comments from petitioner and respondents. Our analysis of these comments follows.

Comment 1: Respondents argue that the Department incorrectly found the Finance and Treasury Center (FTC) program to be countervailable on the basis of a *de facto* specificity analysis, because even though the FTC program has only been in existence since 1990, the program has been used by ten companies in five separate and disparate industries or groups of industries. Respondents assert that a program cannot be found to be used by a ''specific group'' of industries simply because the beneficiaries are identifiable, or because a program benefits only a small portion of the economy. According to respondents, the Department must find that the program's participants fall within the same industry or group of industries in order to reach a determination that a program is *de facto* specific.

Respondents further assert that, in accordance with *PPG Industries, Inc. v. United States,* 978 F.2d 1232, 1240–41 (Fed. Cir. 1992) (''*PPG II*''), the actual make-up of the eligible firms must be evaluated to determine whether those firms comprise a specific industry or group of industries.

Petitioner argues that the Department properly determined that the FTC program is used by a specific group of industries, because it is clear from the small number of users of the program that the program has in fact a narrow (as opposed to general) application, which petitioner contends is the objective of the Department's specificity analysis. Furthermore, petitioner asserts that respondents' interpretation would present ''insurmountable'' problems of administration, because the level of aggregation or disaggregation of industries would become the critical factor in specificity cases.

Department's Position: It is established Departmental practice to find a program's benefits to be *de facto* specific, and therefore countervailable, when the Department has determined that the number of enterprises, industries, or groups thereof using the program is too few. (*See, e.g., Live Swine from Canada; Final Results of Countervailing Duty Administrative Review,* 59 FR 12243, 12246–7 (March 16, 1994). *See also Final Affirmative Countervailing Duty Determinations: Certain Steel Products from Belgium,* 58 FR 37273, 37290 (July 9, 1993).)

With respect to *PPG II*, the Department notes that this decision upheld the Department's determination of the non-specificity of a program in which there were many more users than in the instant review. While the Court of Appeals has thereby addressed what is evidence insufficient to reverse a finding of non-specificity, *PPG II* did not address what is required for the Department to make an affirmative *de facto* specificity finding based on ''too few'' users. This is consistent with the Court's long-standing practice of recognizing the Department's broad discretion to interpret the statutory definition of subsidy. *See, e.g., PPG Indus. v. United States,* 928 F.2d 1571 (Fed. Cir. 1991) (''*PPG I*'').

Moreover, we disagree with respondent's contention that the Department is required in every case to evaluate the actual make-up of eligible firms to determine whether those firms comprise a specific industry or group thereof before determining whether the number of users of a program is too few. In clear cases, the make-up of the firms and industries receiving benefits is irrelevant to the Department's specificity determination because the number of users is sufficiently small relative to the total number of enterprises and industries in the economy as a whole to end the inquiry at that point. In this case, given that Singapore has a great number of companies and industries, the number of companies (10) and industries (5) receiving benefits under the FTC program is sufficiently small enough that the Department need not inquire further.

Comment 2: Respondents argue that the FTC program could not be found to be *de facto* specific based on a finding that the GOS has acted to limit the availability of the FTC program. Respondents assert that the criteria for approval under the FTC program are broad and do not unduly restrict availability, and that the program's eligibility requirements are simply designed to prevent firms from taking advantage of the program by establishing fraudulent ''shells''. Thus, the GOS argues, it has not acted to limit the availability of the FTC program.

In turn, petitioner argues that respondents have stated in the questionnaire response that the program is *de facto* limited to multinational corporations, specifically the small number having sufficiently large operations in Singapore to maintain the establishment of an expensive treasury support office, and that there is no record support for the assertion that the qualifications of the program serve only to prevent fraud.

Department's Position: The Department notes that, in its preliminary results, it concluded that the FTC program is *de facto* specific, and therefore countervailable, on the basis that only a small group of enterprises, representing five industries, participates in the program. Furthermore, after considering comments submitted by both parties on this point, the Department continues to find the small number of users of the program dispositive evidence of *de facto* specificity. *See* Comment 1.

The Department did conclude in its preliminary determination that the GOS has acted to limit the availability of the FTC program because, as respondents have stated for the record, the GOS has limited participation to a small number of multinational corporations having sufficiently large operations in Singapore to support the establishment of an expensive treasury support office. However, the Department notes that its finding of countervailable specificity was not based on its consideration of the GOS' actions to limit the availability of the FTC program to large firms. Indeed, the exception for not finding specificity based on firm size is limited to ''small and small-to-medium-sized'' firms. *See* section 355.43(7) of the *Proposed Regulations.*

Comment 3: Respondents argue that the FTC program could not be found to be *de facto* specific based on a finding that the GOS has used discretion in conferring benefits. Respondents claim that the GOS' discretion to determine the length of the award period, ''with longer awards granted to applicants who commit more manpower, activities, and financial resources to the FTC operations,'' is not enough to support a finding by the Department that such discretion serves to benefit a specific industry, because ''these are neutral, non-specific criteria.'' In any event, respondents continue, since AMS was not the beneficiary of a longer award, the ''GOS has not used whatever discretion it may have to favor the investigated industry.''

Petitioner argues that the GOS is the only entity that acts on applications, and for this reason, respondents' assertion that the Department would not find a program countervailable if neutral, non-specific criteria were applied is misplaced. Petitioner, relying on *In the Matter of Live Swine from Canada: Final Results of Redetermination Pursuant to Binational Panel Remand* (''*Live Swine*''), USA–91–1904–03, 1992 WL 212444, *11 U.S.Can.F.T.A.Binat.Panel (July 20, 1992), also contends that specificity is not determined on the basis of an actual exercise of discretion, but rather on a government's ability to exercise it.

Department's Position: As noted in Comment 1, the Department continues to find the FTC program to be specific, and therefore countervailable, based on the ''too few users'' prong. Therefore, we did not reach the issue of whether the FTC program is specific based on the extent to which a government exercises discretion in conferring benefits under a program.

Comment 4: Petitioner asserts that there is evidence to support a conclusion that there are dominant users of the FTC program, noting that half of the ten companies, including AMS, are members of a single industry. Respondents did not comment on this issue.

Department's Position: The Department has found *de facto* specificity based on the fact that a small number of enterprises participate, representing only five industries. We therefore did not reach the issue of whether the FTC program is specific based on the dominant users prong.

Comment 5: Petitioner alleges that the Department should have discussed the Operational Headquarters (OHQ) program in its preliminary results, and that by omitting a discussion of this program, the Department failed to set out the basis in fact and law for denying a determination that the OHQ program is a dutiable subsidy. Petitioner also asserts that it has consistently argued that this program has conferred a countervailable benefit.

Respondents argue that Commerce was not required to address the OHQ program in its preliminary determination. Respondents claim that in the absence of new information, Commerce has no obligation to reopen the issue again. Respondents observe, as well, that petitioner has not been denied an opportunity to comment on the OHQ program, since in its case brief it addresses this program in detail.

Department's Position: We agree with respondents. The OHQ program has been examined in past reviews (the seventh and the eighth), and the Department has consistently found that because no benefits are conferred in connection with the subject merchandise, the OHQ program therefore has not been countervailable. *See Verification of Questionnaire Response for Certain Refrigeration Compressors from Singapore: Review Period—April 1, 1989 through March 31, 1990,* July 30, 1991, page 11, in the public file of the Department's Central Records Unit, located in Room B–099 in the main Commerce building and which has been added to the record in this case. *See* also *Certain Refrigeration Compressors from the Republic of Singapore; Preliminary Results of Countervailing Duty Administrative Review,* 57 FR 31174–31175 (July 14, 1992), in which the Department preliminarily determined (and upheld in the final determination—*See Certain Refrigeration Compressors from the Republic of Singapore; Final Results of Countervailing Duty Administrative Review,* 57 FR 46539, 46540 (October 9, 1992)) that AMS did not receive any benefits under the OHQ program because petitioner had not made any new allegations that were different from those made in the previous review. That is, profits arising from the use of income tied to the production of subject merchandise are explicitly excluded, in law and under the terms of AMS' OHQ certificate, from receiving benefits under the program. This was again found to be the case, and was verified by the Department, in the current review, and petitioner has presented no new information suggesting that the program operates any differently now than in past reviews. Moreover, petitioner's arguments regarding the program were premised on the assumption that benefits could not be tied to specific products. Petitioner itself states that ''only where the benefits are specifically not applicable to the product under investigation is further inquiry precluded.'' Since that is in fact the case, as it has been in all of the Department's previous reviews of this program under the suspension agreement, petitioner's arguments are moot.

Regarding petitioner's claim that it has been denied an opportunity to comment on the OHQ program, such a statement ignores the fact that petitioner submitted a case brief which discussed the program, and that the Department held a hearing at which petitioner's extensive comments about the OHQ program were discussed.

Concerning the Department's obligation to discuss OHQ in its preliminary determination, the record clearly shows that the Department found in previous reviews and verified in this review that no benefits are conferred upon the subject merchandise. Because no argument has been made which challenges that finding, the Department is not obligated to look at this program under the terms of the suspension agreement, which applies only to subject merchandise. The Department's regulations were not intended to require the Department to discuss programs which do not apply to subject merchandise. Therefore, it was not necessary for the Department to address this program in its preliminary determination.

Comment 6: Regarding the Department's preliminary determination of non-countervailability of Part IX of the Economic Expansion Incentives Act (EEIA), also known as the technical assistance fee (TAF) exemption, petitioner contends that the Department's preliminary determination in the investigation did not preclude a finding of countervailability at this stage. Petitioner argues that the Department's findings in 1983 are not determinative for a case raising this issue in 1994.

Respondents assert that petitioner has provided no new information demonstrating why the TAF program should be countervailed. Respondents claim that because the Department stated, in its final determination for the fourth and fifth reviews, that the TAF program was not countervailable, the Department should not re-examine this program in the absence of new information.

Department's Position: The Department is under no statutory or regulatory obligation to re-examine the TAF program absent new evidence of changed circumstances. *See Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Fabricated Automotive Glass From Mexico,* 50 FR 1906, 1909 (January 14, 1985), in which the Department states that ''(a)bsent new evidence or changed circumstances, we do not reinvestigate programs found not to be countervailable in earlier investigations''; *aff'd, PPG Indus., Inc. v. United States,* 781 F. Supp. 781 789 (Ct. Int'l Trade 1991). *See* also *Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Lime from Mexico, 4*9 FR 35672, 35677 (September 11, 1984), in which the Department did not investigate an allegation concerning a program because it had ''previously been found not to confer a bounty or grant, and petitioners did not allege new facts to justify a review of this finding''; *aff'd, Can-Am Corp. V. United States,* 664 F. Supp. 1444, 1449 (Ct. Int'l. Trade 1987), (''(s)ince there was no new evidence...the Court finds that Commerce's decision not to reinvestigate is reasonable and in accordance with law''). However, the Department is not prohibited, either under the terms of the suspension agreement or pursuant to its regulations, from re-examining this program. In fact, the Department is open to new arguments regarding previously examined programs. Because petitioner has represented the TAF program in a new light for this review, the Department has addressed the new argument with respect to ''benefit'' below.

Comment 7: Petitioner argues that the TAF exemption confers a benefit by reducing the cost of that assistance purchased by MARIS.

Petitioner contends that, because the program eliminates the withholding tax normally charged by the GOS, it changes the cost structure for technical assistance, permitting a lower price to the purchaser in Singapore. Petitioners also assert that the program operates to allow foreign licensors to escape all taxation of their Singapore revenues—both Singapore taxes and home country taxes.

Respondents argue that the purpose of the program is not to lower the cost of technical assistance to the purchaser (MARIS), but to non-Singaporean licensors (MARIS' Japanese parent, and Mana Precision Casting Co., Ltd. (''Mana''), a Japanese licensor which is related to MARIS), so that foreign

companies will transfer technology to Singapore companies that do not have such technological capabilities. In any event, respondents assert that petitioner has not established that the TAF program confers a subsidy, bounty or grant on MARIS itself. Respondents also note that MARIS does not receive a tax benefit; rather, Mana does. As such, respondents conclude that TAF does not confer a benefit to MARIS. Petitioner also makes a number of claims regarding the *countervailability* of the TAF exemption, including arguments to support their assertion that this program is specific. Respondents have replied to these claims.

Department's Position: In order for the Department to find that benefits conferred under a program are countervailable, the Department must determine at the outset whether a benefit has been conferred on the investigated company. In past reviews, petitioner has alleged that the TAF program would confer a countervailable benefit if MARIS' technical assistance fee payments were excessive, thereby allowing MARIS to artificially lower its reported taxable profit. (*See Certain Refrigeration Compressors from the Republic of Singapore; Final Results of Administrative Review of Suspension Agreement,* 50 FR 30493–30494 (July 26, 1985), and *Certain Refrigeration Compressors from the Republic of Singapore; Final Results of Countervailing Duty Administrative Review,* 53 FR 25647–25648 (July 8, 1988).)

Petitioner now argues that in fact, MARIS receives a benefit by paying *lower* fees than it would absent the TAF program. The Department has verified in past reviews that such transactions between MARIS and its non-Singaporean licensor are ''normal commercial transactions'' (*See Certain Refrigeration Compressors from the Republic of Singapore; Preliminary Results of Countervailing Duty; Administrative Review,* 51 FR 37055 (October 17, 1986), *aff'd, Certain Refrigeration Compressors from Singapore, Final Results of Countervailing Duty Administrative Review,* 52 FR 849 (January 9, 1987).) As such, these payments are neither too high nor too low (although the Department found, in the 1985 review, that the fees did not cover the costs of the assistance provided, the licensor raised its rates subsequent to that review). While petitioner has assumed that the result of the technical assistance program is that Mana charges MARIS lower fees for technical assistance than it otherwise would, petitioner has submitted no evidence that this is in fact the case.

Because petitioner has not proven that a benefit to MARIS, either direct or indirect, exists with regard to this program, and because no evidence on the record indicates that benefits are conferred on MARIS, the Department concludes that MARIS has not been the recipient of any benefits, including countervailable benefits, under the TAF program for the period of review.

Because the Department has concluded that MARIS has not received any benefits under the TAF program for the period of review, the question of the countervailability of the TAF program is moot.

Final Results of Review

After considering the comments received, we determine that the signatories to the suspension agreement have complied with the terms of the suspension agreement, including the payment of the provisional export charge for the review period. From April 1, 1992, through October 1, 1992, a provisional export charge rate of 4.05 percent was in effect, and from October 2, 1992, through March 31, 1993, a rate of 5.52 percent was in effect.

We determine the total bounty or grant to be 3.00 percent of the f.o.b. value of the merchandise for the April 1, 1992 through March 31, 1993 review period. Following the methodology outlined in section B.4 of the agreement, the Department determines that, for the April 1, 1992, through October 1, 1992, portion of the review period, and for the October 2, 1992, through March 31, 1993, portion of the review period, negative adjustments may be made to the provisional export charge rates in effect. The adjustments will equal the difference between the provisional rates in effect during the review period and the rate determined in this review, plus interest. These rates, established in the notices of the final results of the seventh and eighth administrative reviews of the suspension agreement (*See Certain Refrigeration Compressors from the Republic of Singapore; Final Results of Countervailing Duty Administrative Review,* 56 FR 63714 (December 5, 1991); and 57 FR 46540 (October 9, 1992)) are 4.05 and 5.52 percent, respectively. For this period the GOS may refund or credit, in accordance with section B.4.c of the agreement, the difference to the companies, plus interest, calculated in accordance with section 778(b) of the Tariff Act.

The Department intends to notify the GOS that the provisional export charge rate on all exports of the subject merchandise to the United States with Outward Declarations filed on or after the date of publication of the final results of this administrative review shall be 3.00 percent of the f.o.b. value of the merchandise.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and section 355.22 of the Department's regulations (19 CFR 355.22(1994)).

Dated: March 4, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–5914 Filed 3–12–96; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Docket No. 931090–4048]

RIN 0625–AA46

Allocation of Duty-Exemptions for Calendar Year 1996 Among Watch Producers Located in the Virgin Islands

AGENCY: Import Administration, International Trade Administration, Department of Commerce; and Office of the Secretary, Department of the Interior.

ACTION: Notice.

SUMMARY: This action allocates 1996 duty-exemptions for watch producers located in the Virgin Islands pursuant to Pub. L. 97–446 as amended by Pub. L. 103–465.

FOR FURTHER INFORMATION CONTACT: Faye Robinson, (202) 482–1660.

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 97–446 as amended by Pub. L. 103–465, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of duty exemptions among watch assembly firms in the United States insular possessions and the Northern Mariana Islands. In accordance with Section 303.3(a) of the regulations (15 CFR Part 303), this action establishes the total quantity of duty-free insular watches and watch movements for 1996 at 5,100,000 units and divides this amount among the three insular possessions of the United States and the Northern Mariana Islands. Of this amount, 3,600,000 units may be allocated to Virgin Islands producers, 500,000 to Guam producers, 500,000 to American Samoa producers and 500,000 to Northern Mariana Islands producers (59 F.R. 8847).

The criteria for the calculation of the 1996 duty-exemption allocations among

insular producers are set forth in Section 303.14 of the regulations.

The Departments have verified the data submitted on application form ITA–334P by producers presently located in the Virgin Islands and inspected the current operations of all producers in accordance with Section 303.5 of the regulations.

In calendar year 1995 the Virgin Islands watch assembly firms shipped 1,760,923 watches and watch movements into the customs territory of the United States under Pub. L. 97–446 as amended by Pub. L. 103–465. The dollar amount of creditable corporate income taxes paid by Virgin Islands producers during calendar year 1995 plus the creditable wages paid by the industry during calendar year 1995 to residents of the territory totalled $5,164,107. These data include unverified data provided by a producer which closed operations in 1995.

There are no producers in Guam, American Samoa or the Northern Mariana Islands.

The calendar year 1996 Virgin Islands annual allocations set forth below are based on the data verified by the Departments in the Virgin Islands. The allocations reflect adjustments made in data supplied on the producers' annual application forms (ITA–334P) as a result of the Departments' verification.

The duty-exemption allocations for calendar year 1996 in the Virgin Islands are as follows:

Name of Firm/Annual Allocation

Belair Quartz, Inc.—500,000
Hampden Watch Co., Inc.—250,000
Progress Watch Co., Inc.—500,000
Unitime Industries, Inc.—500,000
Tropex, Inc.—400,000

Susan G. Esserman,

Assistant Secretary for Import Administration.

Allen Stayman,

Director, Office of Insular Affairs.

[FR Doc. 96–5915 Filed 3–12–96; 8:45 am]

BILLING CODE 3510–DS; 4310–93–P

National Oceanic and Atmospheric Administration

[I.D. 030796F]

Atlantic Tuna Fisheries; Yellowfin Tuna Statistics

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: As required under the Fisheries Act of 1995, NMFS is publishing preliminary statistics on the level of U.S. recreational and commercial catch of Atlantic yellowfin tuna since 1980. These statistics are published to inform the public of trends in yellowfin tuna recreational and commercial landings.

DATES: Submit comments on or before May 13, 1996.

ADDRESSES: Comments regarding these preliminary statistics should be sent to William Hogarth, Acting Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Clearly mark the outside of the envelope ''Yellowfin Tuna Statistics.''

FOR FURTHER INFORMATION CONTACT: William Hogarth at 301–713–2339, fax number: 301–713–0596.

SUPPLEMENTARY INFORMATION: As required under the Fisheries Act of 1995, Title III, Atlantic Tunas Convention Act, section 309(a), the table below provides preliminary statistics on the level of U.S. recreational and commercial catch of Atlantic yellowfin tuna since 1980. Final statistics on the level of U.S. recreational and commercial catch of Atlantic yellowfin tuna since 1980 will be published within 140 days of enactment of the Fisheries Act of 1995.

Dated: March 8, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

U.S. YELLOWFIN TUNA LANDINGS BY GEAR TYPE, 1980–1994

[In metric tons]

	Longline	Rod and Reel	Handgear	Pair trawl	Troll	Purse seine	Other [1]	Total
1980	24.00	.....	.....	.....	.....	473.00	1621.00	2118
1981	43.00	.....	.....	.....	.....	322.00	1501.00	1866
1982	0	.....	.....	.....	.....	82.00	801.00	883
1983	76.00	.....	7.00	.....	31.00	112.00	.....	226
1984	113.00	.....	20.00	.....	39.00	1080.00	.....	1252
1985	1654.00	30.00	184.00	.....	.....	4387.00	4.00	6259
1986	3784.00	1163.00	173.00	.....	.....	647.00	7.00	5774
1987	4681.91	3590.95	315.93	.....	386.72	81.70	0.93	9058
1988	8418.33	1304.68	166.08	.....	334.64	42.00	2.45	10268
1989	6418.48	1676.49	72.81	.....	132.39	35.11	14.79	8350
1990	4420.35	388.37	23.09	.....	280.91	266.73	26.17	5406
1991	4276.95	1274.75	87.19	32.42	186.88	996.00	1.98	6856
1992	5607.76	949.59	76.61	13.06	103.42	375.95	32.00	7158
1993	3351.54	1411.01	56.94	41.83	112.70	208.39	16.63	5199
1994	2899.07	[2] 5103.53	13.45	34.33	16.85	24.60	2.03	[2] 8094

[1] Other includes trawl, handgear, gillnet, harpoon, trap, unclassified.
[2] Under revision.

[FR Doc. 96–6015 Filed 3–12–96; 8:45 am]
BILLING CODE 3510–22–P

Patent and Trademark Office

Notice of Hearings and Request for Comments on Issues Relating to Patent Protection for Therapeutic and Diagnostic Methods

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of Hearings and Request for Comments.

SUMMARY: The Patent and Trademark Office (PTO) will hold public hearings, and it requests comments, on issues relating to patent protection for therapeutic and diagnostic methods. Interested members of the public are invited to testify at public hearings and to present written comments on any of the topics outlined in the supplementary information section of this notice.

DATES: A public hearing will be held on Thursday, May 2, 1996, starting at 9:00 a.m. and ending no later than 5:00 p.m.

Those wishing to present oral testimony at the hearing must request an opportunity to do so no later than Friday, April 26, 1996.

Written comments on the topics presented in the supplementary information section of this notice will be accepted by the PTO until Friday, May 17, 1996.

Written comments and transcripts of the hearing will be available for public inspection on or about June 14, 1996. They will be maintained for public inspection in Room 902 of Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia.

ADDRESSES: The hearing will be held from 9:00 a.m. to 5:00 p.m. in Suite 912, Commissioner's Conference Room, Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia.

Requests to testify should be sent to Richard Wilder by telephone at (703) 305–9300, by facsimile transmission at (703) 305–8885, or by mail marked to his attention addressed to the U.S. Patent and Trademark Office, Office of Legislative and International Affairs, Box 4, Washington, D.C. 20231.

Written comments should be addressed to Richard Wilder, U.S. patent and Trademark Office, of Legislative and International Affairs, Box 4, Washington, D.C. 20231. Comments may also be submitted by facsimile transmission at (703) 305–8885, with a confirmation copy mailed to the above address.

FOR FURTHER INFORMATION CONTACT: Richard Wilder by telephone at (703) 305–9300, by facsimile transmission to (703) 305–8885, or by mail marked to his attention addressed to the Office of Legislative and International Affairs, Box 4, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION:

I. Background

On March 3, 1995, H.R. 1127, the ''Medical Procedures Innovation and Affordability Act,'' was introduced. H.R. 1127 would exclude from patentability any technique, method, or process for performing a surgical or medical procedure, administering a surgical or medical therapy, or making a medical diagnosis. In this notice, the foregoing subject matter is referred to collectively as ''therapeutic and diagnostic methods.'' The bill would, however, allow claims to such techniques, methods, or processes that are performed by or as a necessary component of a machine, manufacture, or composition of matter that is otherwise patentable. On October 19, 1995, the Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, U.S. House of Representatives (''Congressional Hearing'') held a hearing on H.R. 1127.

On October 18, 1995, S. 1334, the ''Medical Procedures Innovation and Affordability Act'', was introduced. While S. 1334 would not exclude subject matter from patentability, as would H.R. 1127, it would grant limited immunity from patent infringement to certain persons. S. 1334 provides that a patient, physician, or other licensed health care practitioner, or a health care entity with which a physician or licensed health care practitioner is professionally affiliated, would be free to use or induce others to use a patented technique, method, or process for performing a surgical or medical procedure, administering a surgical or medical therapy, or making a medical diagnosis. This immunity would not extend, however, to the ''use of, or inducement to use, such a patented technique, method, or process by any person engaged in the commercial manufacture, sale, or offer for sale of a drug, medical device, process, or other product that is subject to regulation under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act.''

The critics of the patenting and/or enforcement of surgical and medical procedure patents believe that ''it is unethical for physicians to seek, secure or enforce patents on medical procedures.'' ''Report 1 of the Council on Ethical and Judicial Affairs (A–95), Patenting of Medical Procedures,'' p. 9, the American Medical Association (1995) (''AMA Report''). The bases for this belief are that such patents restrict access to patented procedures, increase costs of medical care, and interfere with patient confidentiality. See, AMA Report, pp. 3–6.

It is not the purpose of the PTO hearing to discuss the ethics of patenting therapeutic and diagnostic method patents. Nor is it the purpose of the hearing to consider economic analyses of patenting therapeutic and diagnostic method patents. Rather, the purpose of the hearing is to consider whether the problems identified by the proponents of H.R. 1127 and S. 1334, some of which are discussed above, can be solved administratively, rather than legislatively. In this regard, the AMA Report draws a distinction between inventions in the field of therapeutic and diagnostic methods that are ''worthy'' of patent protection and those that are not. The Report states, at p. 8, that

> rigorous application of the standard [of obviousness] would not only remove the procedures which are currently causing an uproar in the medical community from patent protection but would ensure that procedures worthy of patent protection could come into existence. It seems reasonable to assert that generally the producers which were non-obvious would be the ones that required additional incentives and economic investment.

The requirement of non-obviousness, along with novelty, is one of the basic requirements to be met prior to a patent being granted. The novelty requirement ensures that a patent is not granted when the claimed invention is identical to an invention found in the ''prior art.'' The purpose of the obviousness standard is to ensure that an invention, even though novel, is not granted patent protection if it would have been obvious at the time the invention was made to a person of ordinary skill in the art or technology to which the invention pertains.

Accordingly, at the Congressional Hearing, the Administration offered to hold hearings at the PTO to determine the extent to which and how the problems presented by the patenting of therapeutic and diagnostic methods can be solved by changes in standards and practices within the PTO. In a letter from The Honorable Carlos J. Moorhead, Chairman of the Subcommittee on Courts and Intellectual Property, House Committee on the Judiciary, to PTO Commissioner Bruce Lehman, Chairman Moorhead requested the PTO to convene hearings ''to determine

whether the problems identified by the proponents of H.R. 1127 could be solved administratively, rather than legislatively.'' Chairman Moorhead suggested several areas of inquiry for such PTO hearings and those areas of inquiry are identified in the following section.

II. Issues for Public Comment

Interested members of the public are invited to testify and/or present written comments on issues they believe to be relevant to the discussion topics outlined below. Questions following each topic are included to identify specific issues upon which the PTO is interested in obtaining public input.

Information that is provided pursuant to this notice will be made part of a public record. In view of this, parties should not provide information that they do not wish to be publicly disclosed. Parties who would like to rely on confidential information to illustrate a point being made are requested to summarize or otherwise provide the information in a way that will permit its public disclosure. Individuals with questions regarding submission of such information may contact Richard Wilder at the numbers listed above for further information.

A. Application of the Standards of Patentability, PTO Resources, and Reexamination

Chairman Moorhead, in his letter to Commissioner Lehman, stated the following:

(At the Congressional Hearing) there appeared to be a great deal of concern that the PTO has issued patents in the field of therapeutic and diagnostic methods that fail to meet current patentability standards. This concern implies a need to inquire into the standards applied by the PTO, including obviousness, in determining whether or not to issue a patent. It also implies a need to examine the resources available to the PTO to be used in the examination process, including the prior art available to examiners. It may also be worthwhile to consider whether changes to the patent reexamination process may be useful.

1. Application of Patentability Standards by the PTO

In the field of therapeutic and diagnostic methods, as in any other technical field, the PTO applies the statutory standards for patentability, which include novelty, 35 U.S.C. 102, and non-obviousness, 35 U.S.C. 103. To receive a patent, an invention for which patent protection is sought must comply with all statutory requirements of patentability. The PTO examines each patent application on its own merits and does not apply per se rules regarding novelty, obviousness, or any other statutory requirement of patentability. Furthermore, the PTO strives to ensure that its examining practices reflect appropriate scientific and technological standards. The PTO thus seeks public input to help ensure that it is properly construing and applying the statutory requirements of patentability in the field of surgical and medical methods.

Are you aware of any problems related to the manner in which the requirements under 35 U.S.C. 102 and 103 are administered by the PTO for claims drawn to a therapeutic and diagnostic method? If so, please identify those problems with particularity, citing, if appropriate, specific situations or examples and providing steps that may be taken to solve the problems.

In responding to this question, you may wish to draw a distinction between problems caused by a lack of clarity of the legal standards governing 35 U.S.C. 102 and 103, as developed and interpreted by the Federal courts, and those caused by how those legal standards are applied by the PTO.

2. PTO Resources for the Search and Examination of Applications Directed to Therapeutic and Diagnostic Methods

In making a determination as to patentability under 35 U.S.C. 102 and 103, the examiner must compare the claimed invention with the prior art. The prior art can, inter alia, comprise knowledge, use, offer for sale, or a sale in the United States or U.S. or foreign patents or publications. Proponents of H.R. 1127 and S. 1334 argue that the PTO does not have access to all materials that comprise the prior art in the field of therapeutic and diagnostic methods. This is particularly so, they argue, in the case of prior uses of inventions that are not reported in journals, patents, or other publications. In this regard, testimony is solicited on the following points:

Do you believe that the prior art collection relating to therapeutic and diagnostic methods to which examiners in the PTO have access is deficient? If so, please suggest ways in which the prior art collection may be improved.

In responding to this question you may wish to draw a distinction between prior art that may not be included in a printed publication (including, for example, prior uses, including procedures performed in operating rooms and physicians' offices, prior knowledge, and prior sales) and prior art that is embodied in a printed publication. You may wish to comment on how the PTO can obtain access to obscure papers and other hard-to-obtain technical publications.

3. Reexamination of Patents in the Field of Therapeutic and Diagnostic Methods

A person may conclude that a patent is invalid and want to challenge its validity on the basis of a ''prior art'' reference that was not considered by the PTO during the original examination. Proponents of H.R. 1127 and S. 1334 argue that it can be costly to challenge the validity of a patent in court. An alternative to challenging such a patent in court is to request that the patent be reexamined in the PTO on the basis of that newly discovered reference. 35 U.S.C. 301. The bases upon which reexamination may be sought and the degree of participation of a person seeking reexamination are currently quite limited. Proponents of H.R. 1127 and S. 1334 cite these limitations as dissuading third parties from seeking reexamination and relying on litigation instead when a patent they consider invalid is asserted against them.

Another bill before Congress, H.R. 1732, would provide a more effective reexamination procedure by permitting greater participation by reexamination requestors throughout a reexamination proceeding, with a right of appeal for the requester. The bill would also allow the PTO to consider matters under 35 U.S.C. 112, first paragraph, except for best mode affecting patent validity, in addition to those based on the prior art. Some persons practicing in the field of therapeutic and diagnostic methods suggest that the changes contemplated in H.R. 1732 are not sufficient. In particular, they suggest that the basis upon which reexamination may be requested should be expanded to include prior art consisting of unpublished prior use, including medical procedures performed in operating rooms and physicians' offices. This gives rise to the following question:

Do you think the current reexamination statute requires modification to solve the concerns of persons practicing in the field of therapeutic and diagnostic methods beyond those contemplated in H.R. 1732? If so,

(a) please identify with specificity the modifications deemed necessary to solve the concerns; and

(b) explain the implications of such modifications, not only for patent owners, but for the PTO.

B. Publication of Patent Information

Chairman Moorhead, in his letter to Commissioner Lehman, stated the following:

We also heard from witnesses that patent protection in the field of therapeutic and diagnostic methods exercises a chilling effect on the publication or dissemination of knowledge in the field. I believe it would be worthwhile at the hearings you have

proposed to look into ways in which information contained in patent documents could be made more easily and widely available to the medical community. Perhaps a discussion on the role of early publication of patent applications would be useful here.

Proponents of H.R. 1127 and S. 1334 contend that patenting therapeutic and diagnostic methods may have a chilling effect on the development of new medical knowledge by creating an atmosphere of secrecy among physicians to protect their proprietary interests. One of the basic requirements of the patent law is that an applicant must disclose his or her invention in a manner sufficiently clear so that others skilled in the art are taught how to make and use it. Once issued, a patent is published, and thus, the public can read the information and learn from it. Another bill before Congress, H.R. 1733, would improve the information-dissemination function of patent documents. H.R. 1733 would require the PTO to publish patent applications no later than 18 months after the earliest effective filing date claimed by the patent applicant.

1. Does the medical community use information in granted U.S. patents or published foreign applications or patents, in particular such information concerning therapeutic and diagnostic methods?

(a) if not why not? if so, in what way is that information used?

(b) In either case, are there ways in which the dissemination of such information can be improved, both in terms of the form in which it is presented and its channels of distribution? For example, would the publication of patent applications as contemplated by H.R. 1733 improve the information-dissemination function of patent documents?

2. Would the absence of patent protection for inventions of therapeutic and diagnostic methods lead to a reduction in the dissemination of information in that field due to a desire to protect such inventions as trade secrets?

3. Does the availability of patent protection for inventions in the field of therapeutic and diagnostic methods inhibit the publication or dissemination of knowledge in the field? If so, in what way and to what extent?

C. Experimental Use

Chairman Moorhead, in his letter to Commissioner Lehman, stated the following:

The medical community has expressed concern that patent protection for therapeutic and diagnostic methods will have a chilling effect on the ''peer review'' of such procedures. Some of the proponents of H.R. 1127 have suggested that this concern may be overcome through a more expansive application of the ''experimental use doctrine.'' An inquiry into this matter may be useful at the hearings that the Administration has proposed.

Note: The PTO has solicited written comments on the experimental use defense to patent infringement. See, Public Hearings and Request for Comments on Economic Aspects of the U.S. Patent System, 58 FR 68394 (December 27, 1993); Cancellation of Public Hearings on Economic Aspects of the U.S. Patent System, 59 FR 1935 (January 12, 1994); and Notice of Public Hearings and Request for Comments on Patent Protection for Biotechnological Inventions, 59 FR 45267, (September 1, 1994).

A concern among medical professionals is that the existence of patents on therapeutic and diagnostic methods has a chilling effect on the study of such procedures. In particular, there is concern that the need to seek and obtain a license to practice a patented procedure will restrict ''peer review'' whereby experimentation and testing of such procedures are carried out to assess their quality and safety. It has been suggested that some of these concerns could be avoided by expansion of the ''experimental use doctrine.'' See, AMA Report, p. 5. This doctrine would exempt from infringement certain acts considered purely experimental, unrelated to any commercial use of the patented invention. Yet, other than limited provisions allowing for testing of patented pharmaceutical products for purposes of regulatory approval (e.g., section 271 (e)(1) of title 35, United States Code), existing law does not provide a general, statutory defense against a charge of infringement for experimental use of patented technology.

Despite this, the Federal courts have recognized a limited defense to a charge of patent infringement based on use of the patented technology for experimental purposes. This defense, referred to as the experimental use defense, has been raised infrequently, and when considered has been construed very narrowly. There are few cases elaborating the nature of the defense, primarily because patent rights are not frequently enforced against members of the public that use the patented technology for purely experimental purposes. In these cases, the courts have not recognized the defense where the accused infringer has engaged in use of the patented invention for purposes of commercially exploiting the invention, rather than for increasing his or her understanding of the invention. In cases in which the defense has been raised successfully, the experimental use in question was to ascertain how the invention functioned or for purely philosophical or academic reasons.

Proponents of H.R. 1127 and S. 1334 contend that the need for an experimental use exception in the field of therapeutic and diagnostic methods is greater than in other fields of technology, including the fields of pharmaceuticals or medical devices. They argue first that, while the Food and Drug Administration has responsibility for regulating pharmaceuticals or medical devices, peer review serves as the primary regulatory mechanism for therapeutic and diagnostic methods. Second, they argue that a patent on a surgical or medical procedure acts as a barrier to peer review that could lead to a decrease in the quality and safety of such procedures. Given these two postulates, proponents of H.R. 1127 and 1334 conclude that an expanded form of the experimental use doctrine is needed.

The foregoing discussion raises the following questions:

1. Does the grant of patent protection for therapeutic and diagnostic methods impose a ''chilling'' effect on the peer review of such procedures?

2. If the answer to question 1 is ''yes,'' explain how such patents have such a ''chilling'' effect.

3. If the answer to question 1 is ''yes,'' do you think modification of the present experimental use exception would reduce or eliminate such a ''chilling'' effect?

4. If the answer to question 3 is ''yes,'' how should the experimental use exception be modified to reduce or eliminate such a ''chilling'' effect? In particular,

(a) What activities involving a patented invention should be exempted from infringement under the experimental use exception?

(b) Which entities should be able to take advantage of such an experimental use exception? That is, should it be limited to physicians or health care providers or should it extend to legal entities with which physicians or health care providers are affiliated?

(c) What gains or losses to levels of basic research, inventive activity, and investment in research-intensive industries, if any, would you expect to occur if the nature of the present experimental use defense to infringement was modified as you suggest?

D. Foreign and International Experience

Chairman Moorhead, in his letter to Commissioner Lehman, stated the following:

As you know, many countries, including developed industrialized countries, exclude therapeutic and diagnostic methods from patentability. I think it would be useful to invite testimony on the way in which exceptions from patentability of therapeutic and diagnostic methods are provided for in the laws of other countries, the ways in which those exclusions are implemented,

and the effect such exclusions have on the medical community and industry.

The proponents of H.R. 1127 and S. 1334 have argued that many countries exclude therapeutic and diagnostic methods from patent protection and that the United States should follow their lead and ''harmonize'' our law with theirs. Testimony is invited in this regard in response to the following questions:

1. Identify countries that exclude therapeutic and diagnostic methods from patentability. As to such exclusions, identify:

(a) the way in which exceptions from patentability of therapeutic and diagnostic methods are provided for in the laws of other countries (for example, whether they are specifically excluded or defined as not being industrially applicable);

(b) the ways in which those exclusions are implemented (for example, whether they are strictly or liberally construed by offices in those countries that grant patents);

(c) the effect such exclusions have on the medical community and industry in countries that maintain them;

(d) any international obligations that would prevent such countries from continuing such exclusions; and

(e) the rationale for providing such exclusions.

2. Identify countries that grant limited immunity from patent infringement to certain persons that practice therapeutic and diagnostic methods. As to such limited immunity, identify:

(a) the way in which such limited immunity is provided for in the laws of other countries (for example, whether it is part of such countries' patent law or general tort law);

(b) the ways in which such limited immunity is implemented in practice;

(c) the effect such limited immunity has on the medical community and industry in countries that provide for such immunity;

(d) any international obligations that would prevent such countries from continuing such limited immunity; and

(e) the rationale for providing such limited immunity from patent infringement.

III. Guidelines for Oral Testimony

Individuals wishing to testify must adhere to the following guidelines:

1. Anyone wishing to testify at the hearings must request an opportunity to do so no later than Friday, April 26, 1996. Requests to testify may be accepted on the date of the hearing if sufficient time is available on the schedule. No one will be permitted to testify without prior approval.

2. Requests to testify must include the speaker's name, affiliation, and title, phone number, fax number, and mailing address.

3. Speakers will be provided between 5 and 15 minutes to present their remarks. The exact amount of time allocated per speaker will be determined after the final number of parties testifying has been determined. All efforts will be made to accommodate requests for additional time for testimony presented before the day of the hearing.

4. Speakers may provide a written copy of their testimony for inclusion in the record of the proceedings. These remarks should be provided no later than Friday, May 17, 1996.

5. Speakers must adhere to guidelines established for testimony. These guidelines will be provided to all speakers on or before Wednesday, May 1, 1996. A schedule providing approximate times for testimony will be provided to each speaker prior to the hearing. Speakers are advised that the schedule for testimony will be subject to change during the course of the hearings.

(Authority: 35 U.S.C. 6(a))

Dated: March 7, 1996.

Bruce Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 96–5895 Filed 3–12–96; 8:45 am]

BILLING CODE 3510–16–M

COMMODITY FUTURES TRADING COMMISSION

Coffee, Sugar and Cocoa Exchange: Proposed Amendments Relating to the Quality Standards, Delivery Ports, Packaging, Demurrage, and Trading Month Specifications for the White Sugar Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Correction of Closing Date for Public Comment Period for Proposed Contract Rule Changes.

On March 7, 1996, the Division of Economic Analysis (''Division''), acting pursuant to Commission Regulation 140.96, published a notice in the Federal Register (61 FR 9147) on behalf of Commodity Futures Trading Commission requesting public comment on the referenced proposed amendments by the Coffee, Sugar and Cocoa Exchange (''CSCE''). In accordance with Section 5a(a)(12) of the Commodity Exchange Act, the public comment period for the CSCE's proposed amendments ends April 8, 1996.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, D.C. 20581 by the specified date.

Issued in Washington, DC, on March 8, 1996.

Blake Imel,

Acting Director.

[FR Doc. 96–6033 Filed 3–12–96; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Proposed Information Collection Available for Public Comment

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) (Requirements and Resources), ATTN: Reports Clearance Officer, Room 3C980, 4000 Defense Pentagon, Washington, DC 20301–4000. Consideration will be given to all comments received within 60 days of the date of publication of this notice.

Title, Applicable, and OMB Control Number: DoD Loan Repayment Program (LRP); DD Form 2475; OMB Control Number 0704–0152.

Summary: Public Laws 99–145 and 100–180 authorize the Military Services to repay student loans for individuals who agree to enter the military in specific occupational areas for a specified services obligation period. The law provides for repayment for service performed on active duty or as a member of the Reserve Components in a military specialty determined by the Secretary of Defense. The legislation requires the Services to verify the status of the individual's loan prior to

repayment. The DD Form 2475, ''DoD Educational Loan Repayment Program (LRP) Annual Application,'' is used to collect the necessary verification data from the lending institution.

Needs and Uses: Military Services are authorized to repay student loans for individuals who meet certain criteria and who enlist for active military service or enter Reserve service for a specified obligation period. Applicants who qualify for the program forward the DD Form 2475, ''DoD Educational Loan Repayment Program (LRP) Annual Application,'' to their Military Service Personnel Office for processing. The Military Service Personnel Office verifies the information and fills in the loan repayment date, address and phone number. For the Reserve Components, the Military Service Personnel Office forwards the DD Form 2475 to the lending institution. For the active duty Service, the Service member mails the form to the lending institution. The lending institution confirms the loan status and certification and mails the form back to the Military Service Personnel Office.

Affected Public: Business or other for-profit.

Annual Burden Hours (Including Recordkeeping): 11,250 hours.

Number of Respondents: 45,000.

Responses Per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: On occasion.

To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call the Office of the Under Secretary of Defense (Personnel and Readiness) Reports Clearance Officer at (703) 614–8989.

Dated: March 8, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–5995 Filed 3–12–96; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DOD.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 13, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: The Pentagon, Office of the Assistant Secretary of Defense (Health Affairs), Health Services Financing, Rm 3E349, 1200 Defense Pentagon, Washington, DC 20310–1200; Attn: Gunther Zimmerman.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instrument, please write to the above address, or contact Mr. Gunther J. Zimmerman, on (703) 695–3331.

Title, Associated Form, and OMB Number: Contained Health Care Benefit Program Application, CHCBP Form #7524.

Needs and Uses: The information collection requirement is necessary to obtain and process enrollment on the CHCBP. Interested beneficiaries mail the application form and a check for the first ninety days of coverage to the TPA. The TPA reviews the application, accompanying proof of eligibility and premium check, and either accepts or rejects enrollment.

Affected Public: Former military service members and their dependents.

Annual Burden Hours: 500.

Number of Respondents: 2,000.

Responses Per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: Once per respondent.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are former Military Health Services System (MHSS) beneficiaries who have lost their entitlement the MHSS health care. The 1993 National Defense Authorization Act enacted the Continued Health Care Benefit Program (CHCBP), thereby entitling certain former MHSS beneficiaries to temporary, transitional health care coverage. Eligible beneficiaries must complete an application form to provide eligibility and enrollment data to allow the Department's civilian Third Party Administrator (TPA) to process their application for enrollment. Information from the application (e.g., name, age, SSN, address) is entered into Defense Enrollment and Eligibility Reporting System (DEERS), which is the system that controls eligibility for MHSS entitlement.

Dated: March 8, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–5996 Filed 3–12–96; 8:45 am]

BILLING CODE 5000–04–M

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DOD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 13, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Fitzsimmons Army Medical Center, Office of Appeals and Hearings, ATTN: Mr. Don Wagner, Aurora, CO 80045–6900.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call OCHAMPUS, Office of Appeals and Hearings, at (303) 361–1329.

Title, Associated Form, and OMB Number: Professional Qualifications, Medical and Peer Reviewers, CHAMPUS Form 780, OMB Number 0720–0005.

Needs and Uses: The information collection requirement is necessary to obtain and record the professional qualifications of medical and peer reviewers utilized within CHAMPUS. The form is included as an exhibit in an appeal or hearing case file as evidence of the reviewer's professional qualifications to review the medical documentation contained in the case file.

Affected Public: Business or other for profit; Small businesses or organizations.

Annual Burden Hours: 15.

Number of Respondents: 60.

Responses Per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are medical professionals who provide medical and peer review of cases appealed to the Office of Appeals and Hearing, OCHAMPUS. CHAMPUS Form 780 records the professional qualifications of the medical peer reviewer. The completed form is included as an exhibit in the appeal or hearing case file, and documents for anyone reviewing the file, professional qualifications of the medical professional who reviewed the case. If the form is not included in the case file, individuals reviewing the file will be readily assured of the qualifications of the reviewing medical professional. Having qualified professionals provide medical and peer review is essential in maintaining the integrity of the appeal and hearing process.

Dated: March 8, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–5997 Filed 3–12–96; 8:45 am]

BILLING CODE 5000–04–M

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 186. This bulletin lists revisions in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 186 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATES: March 1, 1996.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 185, published November 9, 1995. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office.

The text of the Bulletin follows:

BILLING CODE 5000–01–P

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA:						
ADAK 5/	$ 10		$ 34		$ 44	10-01-91
ANAKTUVUK PASS	83		57		140	12-01-90
ANCHORAGE						
06-10--08-21	147		70		217	06-10-96
08-22--06-09	76		64		140	03-01-96
ANIAK	73		36		109	07-01-91
ATQASUK	129		86		215	12-01-90
BARROW	110		76		186	03-01-96
BETHEL	76		67		143	02-01-94
BETTLES	65		45		110	12-01-90
COLD BAY	110		54		164	07-01-93
COLDFOOT	95		59		154	10-01-92
CORDOVA	74		76		150	03-01-96
CRAIG						
05-01--08-31	97		96		193	05-01-96
09-01--04-30	75		94		169	03-01-96
DENALI NATIONAL PARK	113		68		181	05-01-94
DILLINGHAM	85		64		149	11-01-93
DUTCH HARBOR-UNALASKA	113		67		180	05-01-92
EIELSON AFB						
05-15--09-15	112		59		171	05-15-96
09-16--05-14	70		55		125	03-01-96
ELMENDORF AFB						
06-10--08-21	147		70		217	06-10-96
08-22--06-09	76		64		140	03-01-96
EMMONAK	62		61		123	10-01-93
FAIRBANKS						
05-15--09-15	112		59		171	05-15-96
09-16--05-14	70		55		125	03-01-96
FALSE PASS	80		37		117	06-01-91
FT. RICHARDSON						
06-10--08-21	147		70		217	06-10-96
08-22--06-09	76		64		140	03-01-96
FT. WAINWRIGHT						
05-15--09-15	112		59		171	05-15-96
09-16--05-14	70		55		125	03-01-96
GUSTAVUS	70		62		132	03-01-96
HOMER						
05-01--09-30	115		68		183	05-01-96
10-01--04-30	90		65		155	03-01-96

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA: (CONT'D)						
JUNEAU						
05-01--09-30	$ 89		$ 82		$171	05-01-96
10-01--04-30	78		80		158	03-01-96
KATMAI NATIONAL PARK	89		59		148	12-01-90
KENAI-SOLDOTNA						
05-01--09-30	109		74		183	05-01-96
10-01--04-30	76		71		147	03-01-96
KETCHIKAN						
05-16--09-15	86		72		158	05-16-96
09-16--05-15	73		70		143	03-01-96
KING COVE	85		69		154	03-01-96
KING SALMON 3/	77		68		145	03-01-96
KLAWOCK						
05-01--08-31	97		96		193	05-01-96
09-01--04-30	75		94		169	03-01-96
KODIAK	79		68		147	03-01-96
KOTZEBUE	133		87		220	05-01-93
KUPARUK OILFIELD	75		52		127	12-01-90
METLAKATLA						
06-01--10-01	95		58		153	06-01-94
10-02--05-31	72		56		128	02-01-94
MURPHY DOME						
05-15--09-15	112		59		171	05-15-96
09-16--05-14	70		55		125	03-01-96
NELSON LAGOON	102		39		141	06-01-91
NOATAK	133		87		220	05-01-93
NOME	71		67		138	10-01-93
NOORVIK	133		87		220	05-01-93
PETERSBURG	77		62		139	03-01-96
POINT HOPE	99		61		160	12-01-90
POINT LAY 6/	106		73		179	12-01-90
PRUDHOE BAY-DEADHORSE	73		60		133	11-01-93
SAND POINT	64		67		131	08-01-94
SEWARD						
05-16--08-31	115		60		175	05-16-96
09-01--05-15	83		57		140	03-01-96
SHUNGNAK	133		87		220	05-01-93
SITKA-MT. EDGECOMBE						
04-01--10-31	94		58		152	04-01-96
11-01--03-31	83		57		140	03-01-96

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA: (CONT'D)						
SKAGWAY						
05-16--09-15	$ 86		$ 72		$158	05-16-96
09-16--05-15	73		70		143	03-01-96
SPRUCE CAPE	79		68		147	03-01-96
ST. GEORGE	100		39		139	06-01-91
ST. MARY'S	77		59		136	06-01-93
ST. PAUL ISLAND	62		63		125	10-01-93
TANANA	71		67		138	10-01-93
TOK						
05-01--09-30	70		51		121	05-01-96
10-01--04-30	50		49		99	03-01-96
UMIAT	97		63		160	12-01-90
VALDEZ						
05-01--09-14	99		66		165	05-01-96
09-15--04-30	83		64		147	03-01-96
WAINWRIGHT	90		75		165	12-01-90
WALKER LAKE	82		54		136	12-01-90
WRANGELL						
05-16--09-15	86		72		158	05-16-96
09-16--05-15	73		70		143	03-01-96
YAKUTAT	77		58		135	11-01-93
OTHER 3, 4, 6/	60		56		116	03-01-96
AMERICAN SAMOA	73		48		121	11-01-94
GUAM	150		82		232	06-01-95
HAWAII:						
ISLAND OF HAWAII: HILO	73		64		137	10-01-95
ISLAND OF HAWAII: OTHER	98		63		161	10-01-95
ISLAND OF KAUAI	105		75		180	10-01-95
ISLAND OF KURE 1/			13		13	12-01-90
ISLAND OF MAUI						
04-18--11-30	105		73		178	10-01-95
12-01--04-17	116		75		191	12-01-95
ISLAND OF OAHU	100		70		170	10-01-95
OTHER	79		62		141	06-01-93
JOHNSTON ATOLL 2/	22		22		44	08-01-94
MIDWAY ISLANDS			13		13	12-01-90
NORTHERN MARIANA ISLANDS:						
ROTA	80		90		170	06-01-95
SAIPAN	89		89		178	06-01-95

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
NORTHERN MARIANA ISLANDS: (CONT'D)						
TINIAN	$ 61		$ 72		$133	06-01-95
OTHER	20		13		33	12-01-90
PUERTO RICO:						
BAYAMON						
04-16--12-23	96		65		161	11-01-95
12-24--04-15	130		70		200	12-24-95
CAROLINA						
04-16--12-23	96		65		161	11-01-95
12-24--04-15	130		70		200	12-24-95
FAJARDO (INCL CEIBA, LUQUILLO AND HUMACAO)						
04-16--12-10	65		52		117	10-01-93
12-11--04-15	110		52		162	12-11-93
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)						
04-16--12-23	96		65		161	11-01-95
12-24--04-15	130		70		200	12-24-95
MAYAGUEZ	93		70		163	11-01-95
PONCE	107		64		171	11-01-95
ROOSEVELT ROADS						
04-16--12-10	65		52		117	10-01-93
12-11--04-15	110		52		162	12-11-93
SABANA SECA						
04-16--12-23	96		65		161	11-01-95
12-24--04-15	130		70		200	12-24-95
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)						
04-16--12-23	96		65		161	11-01-95
12-24--04-15	130		70		200	12-24-95
OTHER 7/	75		52		127	11-01-95
VIRGIN ISLANDS OF THE U.S.:						
ST. CROIX						
04-15--12-14	119		73		192	08-01-94
12-15--04-14	169		78		247	12-15-94
ST. JOHN						
06-01--12-14	255		78		333	11-01-94
12-15--05-31	370		90		460	12-15-94
ST. THOMAS						
04-17--12-17	141		106		247	08-01-94
12-18--04-16	220		114		334	12-18-94
WAKE ISLAND 2/	30		25		55	10-01-94
ALL OTHER LOCALITIES	20		13		33	12-01-90

Footnotes

[1] Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental

expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expenses rate of $19.65 is prescribed to cover meals and incidental expenses at Shemya AFB, Clear AFS, Galena APT and King Salmon APT. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[4] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[5] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. Government or contractor quarters.

[6] The meal rates listed below are prescribed for the following locations in Alaska: Cape Lisburne RRL, Cape Newenham RRL, Cape Romanzof APT, Fort Yukon RRL, Indian Mtn RRL, Sparrevohn RRL, Tatalina RRL, Tin City RRL, Barter Island AFS, Point Barrow AFS, Point Lay AFS and Oliktok AFS. The amount to be added to the cost of government quarters in determining the per diem will be $3.50 plus the following amount:

	Daily rate
DOD Personnel	$13
Non-DOD Personnel	$30

[7] (Eff 9–1–94) A per diem rate of $200 (lodging $148; M&IE $52) will be in effect for Las Croabas, Puerto Rico, during the Annual Conference of the National Association of State Boating Law Administrators (NASBLA) being held at the El Conquistador Resort and Country Club. This rate will be in effect from 4–12 September 1994 only for travelers attending the conference and only for travelers staying at the El Conquistador Resort.

Dated: March 8, 1996.

Patricia L. Toppings,

Alternate ODS Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–5994 Filed 3–12–96; 8:45 am]

BILLING CODE 5000–04–C

Department of the Army

Notice of Availability of the Final Environmental Impact Statement for Disposal and Reuse of Hamilton Army Airfield, California

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act and the President's Council on Environmental Quality, the Army has prepared a Final Environmental Impact Statement (FEIS) for the disposal of excess property at Hamilton Army Airfield, California. The FEIS also analyzes impacts on a range of potential reuse alternatives.

Copies of the FEIS have been forwarded to various federal agencies, state and local agencies, and predetermined interested organizations and individuals.

DATES: This FEIS will be available to the public for 30 days after publication of this NOA in the Federal Register by the Environmental Protection Agency, after which the Army will prepare a Record of Decision for the Army action.

ADDRESSES: Copies of the Environmental Impact Statement can be obtained by writing or calling Mr. Robert Koenigs, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, 13th Floor, Sacramento, CA 95814–2922.

FOR FURTHER INFORMATION CONTACT: Mr. Koenigs may be contacted at (916) 557–6712 or fax (916) 557–7876.

Dated: March 4, 1996.

Raymond J. Katz,

Acting Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 96–5953 Filed 3–12–96; 8:45 am]

BILLING CODE 3710–08–M

Notice of Intent To Prepare an Environmental Assessment of Army Guidelines for Red-Cockaded Woodpecker Management

AGENCY: Department the Army, DOD.

ACTION: Notice of Intent.

SUMMARY: The Army intends to revise guidelines for the management of the red-cockaded woodpecker (RCW) on Army installations. The RCW is a federally listed endangered species found on seven Army installations in the southeastern United States: Fort Bragg, North Carolina; Fort Stewart, Georgia; Fort Jackson, South Carolina; Fort Benning, Georgia; Fort Polk, Louisiana; Sunny Point Military Ocean Terminal, North Carolina; and Camp Blanding, Florida. The following Army installations do not currently have RCWs, but are within the species' range: Fort Gordon, Georgia; Fort Rucker, Alabama; Fort McClellan, Alabama; Louisiana Army Ammunition Plant; and Camp Shelby, Mississippi. The guidelines will be used by Army installations as baseline standards in preparing their RCW management plans. In the guidelines revision process, the Army will seek to identify measures which will increase RCW populations on military installations while simultaneously enhancing the realism of military training activities conducted on military installations with RCW populations. As part of the guidelines revision process, the National Environmental Policy Act (NEPA) of 1969 requires preparation of an environmental assessment to determine the environmental impact of the guidelines and whether the impact is significant. If the assessment determines that there will be a significant impact on the environment, NEPA requires preparation of an environmental impact statement. Additionally, the Endangered Species Act of 1973 requires a biological assessment to assess the effects of the guidelines on endangered and threatened species.

The public is invited to participate in the guidelines revision process by submitting written comments and suggestions throughout the revision process and to review the draft guidelines. The Army anticipates that draft guidelines will be available for public review in the third quarter of 1996.

ADDRESSES: Written comments and suggestions or requests for notice of the release of draft Army RCW Guidelines may be forwarded to Department of the Army, Office of the Deputy Chief of Staff for Operations and Plans, Attn: DAMO–TRS (Army Endangered Species Team), Washington, DC 20310–0400.

FOR FURTHER INFORMATION CONTACT:

Questions regarding this action may be directed to Major Mark R. Lindon, Army Endangered Species Team, (703) 695–2452.

Dated: March 6, 1996.

Raymond J. Fatz,

Acting Deputy Assistant Secretary of the Army, Environment, Safety and Occupational Health, OASA (I,L&E).

[FR Doc. 96–6030 Filed 3–12–96; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.999B]

National Assessment of Educational Progress (NAEP), Data Reporting Program; Notice Inviting Applications for New Awards for Fiscal Year 1996

Purpose of Program: To encourage eligible parties to conduct analyses of the data from NAEP and the NAEP High School Transcript Studies (Transcript Studies) in order to—

1. Expand the available information about the academic achievement of U.S. children in public and non-public schools who are in the fourth, eighth or twelfth grade;

2. Use existing approaches and develop new ideas for analyzing and reporting the information contained in NAEP and the Transcript Studies; and

3. Apply state-of-the-art techniques that have not previously been applied to the analysis and reporting of NAEP and Transcript Studies data.

NAEP is authorized by Section 411 of the National Education Statistics Act of 1994, Title IV of the Improving America's Schools Act (20 U.S.C. 9010).

Eligible Applicants: This competition is open to all public or private organizations and consortia of organizations.

Deadline for Transmittal of Applications: April 29, 1996.

Applications Available: March 18, 1996.

Available Funds: Up to $700,000.

Applicants should note that Congress has not yet enacted final appropriations for Department of Education programs for fiscal year 1996. As a result of final action, funds available for this competition could be reduced or even eliminated.

Estimated Range of Awards: $15,000–$90,000.

Estimated Average Size of Awards: $75,000.

Estimated Number of Awards: 5–10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 18 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 80, 81, 82, 85, and 86; and (b) The final regulations for *Standards for the Conduct and Evaluation of Activities Carried out by the Office of Educational Research and Improvement (OERI)—Evaluation of Application for Grants and Cooperative Agreements and Proposals for Contracts,* published in the Federal Register on September 14, 1995 (60 FR 47808) and to be codified at 34 CFR Part 700.

Priorities

Under 34 CFR 75.105(c)(1), the Secretary is particularly interested in applications that meet one or more of the following invitational priorities. However, an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications:

Invitational Priority 1

Projects that address the instructional factors, family background factors, and school and teacher characteristics that the educational research literature suggests are correlates of academic performance.

Invitational Priority 2

Projects that include the development of statistical software that would allow more advanced analytic techniques to be readily applied to NAEP data.

Selection Criteria

In evaluating applications for grants under this competition, the Secretary uses the selection criteria in 34 CFR 700.30. Under this regulation, the Secretary will announce the applicable evaluation criteria and the assigned weights in the application package.

For Applications or Information Contact: Alex Sedlacek, U.S. Department of Education, National Center for Education Statistics, Office of Educational Research and Improvement, Room 404B, 555 New Jersey Avenue, N.W., Washington, D.C. 20208–5653. Telephone: (202) 219–1734. Internet: (alex____sedlacek@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins and Press Releases); or on the World Wide Web (at http://www.ed.gov/money.html). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 9010.

Dated: March 7, 1996.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 96–5941 Filed 3–12–96; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF LABOR

Office of School-to-Work Opportunities; Advisory Council for School-to-Work Opportunities; Notice of Open Meetings

SUMMARY: The Advisory Council for School-to-Work Opportunities was established by the Departments of Education and Labor to advise the Departments on implementation of the School-to-Work Opportunities Act. The Council shall assess the progress of School-to-Work Opportunities systems development and program implementation; make recommendations regarding progress and implementation of the School-to-Work Opportunities initiative; advise on the effectiveness of the new Federal role in providing venture capital to States and localities to develop School-to-Work systems and act as advocates for implementing the School-to-Work framework on behalf of their stakeholders.

TIME AND PLACE: The Advisory Council for School-to-Work Opportunities will have an open meeting on Thursday, March 28, 1996 from 8:30 a.m.–9:30 a.m. on Friday, March 29 from 1:30 p.m.–3:30 p.m. at the Madison Hotel, 15th and M Streets NW., Washington, DC 20005. During the interim, Council members will work in small groups to develop and present strategic plans for the consideration of the whole Council.

AGENDA: The agenda for the meeting on Thursday, March 28 from 8:30–9:30 a.m. will include opening remarks, an overview of the role of the Advisory Council and introduction of participants. The agenda for the meeting on Friday, March 29 from 1:30 p.m.–3:30 p.m. will include reports from the various work groups, a conference summary and a discussion of future actions.

PUBLIC PARTICIPATION: The meetings on Thursday, March 28, from 8:30 a.m.–9:30 a.m. and on Friday, March 29, from 1:30 p.m.–3:30 p.m. will be open to the public. Seats will be reserved for the media. Individuals with disabilities in

need of special accommodations should contact the Designated Federal Official (DFO), listed below, at least 7 days prior to the meeting.

FOR ADDITIONAL INFORMATION CONTACT: JD Hoye, Designated Federal Official (DFO), Advisory Council for School-to-Work Opportunities, Office of School-to-Work Opportunities, 400 Virginia Avenue SW., Room 210, Washington, DC 202/401–6222, (This is not a toll free number.)

Signed at Washington, DC, this 7th day of March 1996.

Timothy M. Barnicle,

Assistant Secretary of Labor.

Patricia W. McNeil,

Assistant Secretary of Education.

[FR Doc. 96–5973 Filed 3–12–96; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–219–000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization

March 7, 1996.

Take notice that on February 29, 1996, Equitrans, L.P. (Equitrans), 350 Park Lane, Pittsburgh, Pennsylvania 15275, filed in Docket CP96–219–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to install one delivery tap under Equitrans's blanket certificate issued in Docket No. CP83–508–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Equitrans proposes to install one delivery tap in the town of Elrama, Pennsylvania to provide transportation service to Equitable Gas Company. Equitrans projects the quantity of gas to be delivered through the delivery tap will be approximately 6,000 Dth on a peak day.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5930 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–225–000]

Koch Gateway Pipeline Company; Notice of Application

March 7, 1996.

Take notice that on March 4, 1996, Koch Gateway Pipeline Company (Koch), 600 Travis Street, Houston, Texas 77251–1478, filed in Docket No. CP96–225–000 an abbreviated application pursuant to Section 7(b) of the Natural Gas Act, as amended, and Sections 157.7 and 157.18 of the Federal Energy Regulatory Commission's (Commission) regulations thereunder, for permission to abandon certain inactive sections of its Pensacola Lateral (Index 301–8), located in Baldwin County, Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Koch proposes to abandon by removal approximately 1,490 feet of 12-inch pipeline and abandon in place approximately 650 feet of 12-inch pipeline including all valves and appurtenances, located in Baldwin County, Alabama. Koch states that these segments of pipeline are part of facilities that were originally constructed to provide service to the Pensacola market area and that these two segments of pipeline are currently inactive. It is indicated that Index 301–8 was certificated in FPC Docket No. G–232, pursuant to Koch's grandfather certificate. It is further indicated that Koch abandoned a segment of its Index 301–8 due to its condition in Docket No. CP89–274–000. Koch further states that it currently provides a majority of its service to the Pensacola market area through two parallel transmission lines and that these newer and larger lines have adequate capacity to handle Koch's current commitments in this vicinity.

Koch states that the abandonment proposed herein will not affect service to any existing Koch customer, will not result in the reduction in the volumes of gas serving the Pensacola area, will eliminate the hazards and risks that are associated with operating deteriorated pipe, and will reduce operating and maintenance expenses.

Any person desiring to be heard or to make protest with reference to said application should on or before March 28, 1996 file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, and if the Commission on its own review of the matter finds that the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Koch to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5931 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–162–000]

Questar Pipeline Company; Notice of Section 4 Filing

March 7, 1996.

Take notice that on March 1, 1996, Questar Pipeline Company (Questar) tendered for filing pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering service on specified gathering and transmission facilities in Colorado, Wyoming and Utah. Questar requests that the termination of service be effective March 1, 1996.

Questar received authorization in Docket Nos. CP95–650–001, CP95–650–002 and CP95–658–000, 74 FERC ¶61,216, (1996) to abandon, by transfer, the specified gathering and transmission facilities to Questar Gas Management Company (QGM), a wholly owned, regulated subsidiary of Questar.[1] Questar states that it has notified all of its gathering customers of the transfer of all gathering contracts to QGM.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulation Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed no later March 13, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5925 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–217–000]

City of Tallahassee, et al., Complaints, vs. Florida Gas Transmission Company, Respondent; Notice of Complaint

March 7, 1996.

Take notice that on February 28, 1996, City of Tallahassee, City of Lakeland, Orlando Utilities Commission, Jacksonville Electric Authority, and Florida Gas Utilities (jointly Complainants), c/o John, Hengerer & Esposito, 1200 17th Street, N.W., Washington, D.C. 20036, filed in Docket No. CP96–217–000 a complaint pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, against Florida Gas Transmission Company (FGT) alleging violations of FGT's tariff provisions and Commission rules regarding affiliate preference in provision of jurisdictional service in connection with construction of a proposed delivery point in Leon County, Florida, all as more fully detailed in the complaint which is on file with the Commission and open to public inspection.

It is stated that the complainants are all firm transportation customers of FGT and members of the Florida Cities Fuel Committee, an *ad hoc* group of municipalities which customarily participate in FGT rate and certificate proceedings. It is explained that FGT's interconnecting delivery point, for which FGT requested prior notice authorization in Docket No. CP96–139–000, would serve West Florida Natural Gas (WFNG), a local distribution company, which in turn would make deliveries to the Department of Correction's (DOC) Wakulla Correctional Institution in Wakulla County, Florida.

Complainants allege that because FGT would not be fully reimbursed by WFNG for the construction costs, FGT would be subsidizing construction of the facility, and complainants allege that such a subsidy is in violation of FGT's tariff.

Complainants further allege that the proposal would involve preferential treatment for Citrus Trading, FGT's marketing affiliate, which would provide gas supplies for the deliveries to the DOC, and it is alleged that this violates the Commission's rules prohibiting affiliate preference. It is alleged that FGT has adopted a new policy on customer ownership of gate station facilities, which would permit WFNG to own the meter station which is among the proposed facilities, and it is alleged that such ownership is in violation of FGT's tariff provisions. Complainants allege that the proposed change in ownership policy is not in the public interest and should be evaluated before it is implemented.

It is stated that the City of Tallahassee, one of the complainants, has simultaneously filed a protest in Docket No. CP96–139–000, FGT's prior notice filing. It is asserted that the City of Tallahassee had made a bid to serve the DOC's Wakulla facility.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5932 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–197–000, RP95–001 and RP96–44–000]

Transcontinental Gas Pipe Line Corporation; Notice of Informal Settlement Conference

March 7, 1996.

Take notice that an informal settlement conference will be convened in this proceeding on Friday, March 15, 1996, as 10:00 a.m., for the purpose of exploring the possible settlement of the above-referenced proceeding. The conference will be held at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations. See 18 CFR 385.214.

For additional information, please contact Donald A. Heydt at (202) 208–0740 or Michael D. Cotleur at (202) 208–1076.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5927 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–228–000]

Transcontinental Gas Pipe Line Corporation; Notice of Application

March 7, 1996.

Take notice that on March 4, 1996, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP96–228–000 an application pursuant to Section 7(c) and 7(b) of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing it to construct and operate certain Chickasawhay River replacement crossings and (2) an order permitting and approving the abandonment of existing facilities at the

[1] The acquisition, ownership and operation of these facilities by QGM are nonjurisdictional activities exempt from the Commission's jurisdiction under section 1(b) of the Natural Gas Act.

same location, with the certificate and construction clearance authorized by April 1, 1996, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that it has four pipelines across the Chickasawhay River in Mississippi—3-inch diameter Main Line A, 36-inch diameter Main Lines B and C and 42-inch diameter Main Line D. It is stated that this river crossing is in Clarke County, Mississippi and is approximately 15 miles west of the location where Transco's system crosses the Mississippi-Alabama state line. Transco states that all gas produced onshore and offshore Texas and Louisiana and onshore Mississippi which moves on Transco's system to Transco's markets in the Deep South, Atlantic Seaboard and eastern markets flows through this Chickasawhay River crossing.

Transco states that because of mass erosion of the river banks, Main Lines A, B and C are exposed or have shallow cover in the river and are subject to potential physical damage from boat traffic and periodic flood debris in the river.

Transco states that it cannot perform these replacements pursuant to Section 2.55(b) of the Commission's Regulations because the temporary work spaces which Transco will need off the existing maintained right-of-way do not meet the guidelines for such spaces set out in the Commission staff's letter to Tennessee Gas Pipeline Company, dated March 15, 1995. It is stated that this application is *not* required by the Commission's order issued May 12, 1994 in Arkla Energy Resources Company, Docket No. CP91–2069–000, 67 FERC ¶ 61,173, (replacements outside of existing right-of-way cannot be performed pursuant to section 2.55(b)) because no new permanent right-of-way will be required in connection with this project. Transco states that it is imperative that Transco complete the new crossings soon to ensure that gas from the production areas described above is able to flow to Transco's markets.

Transco proposes to install approximately 1,400 feet of new 30-inch diameter Main Line A by horizontal directional drilling under the Chickasawhay River, at the location of its existing pipeline crossings of the Chickasawhay River.[1] The alignment of the new Main Line A will parallel the existing Main Line A and will be offset approximately eight feet to the south of the existing Main Line A. It is stated that approximately 180 feet of 30-inch diameter pipe will be conventionally installed by trenching from the entrance and exit of the bore and tied in to existing Main Line A.

Transco states that it also proposes to install approximately 1,400 feet of new 36-inch diameter Main Line B by horizontal directional drilling under the Chickasawhay River. The alignment of the new Main Line B will parallel the new Main Line A with a spacing of approximately 22 feet to the south of new Main Line A. New Main Line B will be approximately 75 feet north of existing Main Line B. It is stated that approximately 175 feet of 36-inch diameter pipe will be conventionally installed by trenching from the entrance and exit of the bore and tied in to existing Main Line B.

Transco states that it also proposes to install approximately 1,470 feet of new 36-inch diameter Main Line C by horizontal directional drilling under the Chickasawhay River. The alignment of the new Main Line C will parallel Main Lines A and B with a spacing of approximately 25 feet to the south of new Main Line B. New Main Line C will be approximately 125 feet north of existing Main Line C. It is stated that approximately 160 feet of 36-inch diameter pipe will be conventionally installed by trenching from the entrance and exit of the bore and tied in to existing Main Line B.

Transco states that Main Line D will not be replaced.

Transco states that the proposed replacement will restore the long-term integrity of Transco's transmission system at the Chickasawhay River crossings. Since the 30-inch and 36-inch diameter crossings are being replaced by identical 30-inch and 36-inch diameter crossings, system capacity at the Chickasawhay River will remain unchanged—at 3,353,767 Mcf per day. It is stated that the shallow, conventionally installed Main Lines A, B and C at this location will be retired by removal.

It is stated that the cost of new Main Line A is estimated to be $1,197,260; the cost of installation of new Main Line B is estimated to be $1,396,806; and the cost of installation of new Main Line C is estimated to be $1,396,806.

Transco states that it needs to replace Main Lines A, B and C as soon as possible because of their vulnerable condition.

Transco states that issuance of a certificate to Transco and construction clearance by April 1 is justified for two reasons: (1) the above-described need for security of gas service to Transco's market areas, and (2) the de minimis impact on the environment of the crossing project (as described below). With respect to the environment, Transco states that the following are significant points:

1. On the west side of the river approximately 0.77 acre of temporary work space (TWS) off the existing permanent right-of-way will be required at the location where the drilling rig will be set up, and approximately 0.15 acre will be required for removal of existing pipe and for repair of an erosion problem on the bank. This total of 0.92 acre of off right-of-way TWS on the west side is presently forested and will be cleared (none is forested wetland). The remainder of the TWS on the west side is located on existing permanent right-of-way. On the west side, wetland areas are located well away from the construction area. This impact will be minimized by the use of mats and other appropriate means. On the west side, approximately 0.567 acre of access road off the right-of-way will be required, but it is on an existing farm lane.

On the east side of the river approximately 0.49 acre of off right-of-way TWS will be required for drilling operations; 0.34 acre will be required for stringing pipe; and 0.18 acre will be required for removal of existing pipe and for repair of an erosion problem on the bank. Of this east side right-off-way TWS, 0.6 acre is presently forested and will be cleared (none is forested wetland). The remainder of the TWS on the east side, is located on existing permanent right-of-way. On the east side, approximately 1.52 acres of non-forested wetland will be utilized for stringing pipe; approximately 0.09 acre of this will be outside the existing permanent right-of-way. Impacts will be minimized by using road board where necessary. Most of the land around the right-of-way on the east side has been logged recently; this is the reason no forested wetland will be impacted.

In summary, Transco states that on both sides of the river the TWS are minor, and of these only 1.52 acres are forested and none are forested wetland.

2. Clearances have been received with respect to endangered/threatened species from the U.S. Fish and Wildlife Service and the Mississippi Natural Heritage Program. The Mississippi Game and Fish Commission provided Transco with information that the gulf sturgeon (federal listed as threatened, stated listed as endangered) may be found in the project area. Transco

[1] Transco states that directionally drilled pipelines under rivers are significantly more secure than older pipelines which were installed by way of trenching the river bed. It is stated that the 30-inch and 36-inch pipeline crossing discussed herein will be an approximate depth of 30 feet beneath the Chickasawhay River navigation channel.

evaluated this in the context of the project to ensure that the project will not impact this species; the evaluation verified that the project will not impact this species.

3. A Phase I cultural resources report was filed with the Mississippi State Historic Preservation Officer (SHPO) by letter dated January 23, 1996. The report documents the results of the Phase I investigation which did not locate any cultural resources. In a letter dated January 25, 1996 the SHPO indicated that it had reviewed the report and that no historic properties will be affected by the project.

By letter dated February 9, 1996, Transco requested from the SHPO information concerning groups who may be interested in cultural resources which the Phase I survey may have missed, particularly Native Americans who may have knowledge of sacred areas or locations of special value to them. Additionally, with such letter, Transco submitted an ''Action Plan for Treating Known and Unanticipated Discoveries of Human Remains and Historic Properties''. By letter dated February 14, 1996, the SHPO identified the Mississippi Band of Choctaw Indians. Also, the SHPO advised that the action plan is acceptable. Transco states that Mr. Ken Carleton, the Tribal Archaeologist, was contacted by telephone on February 26, 1996 and indicated he was satisfied with the results of the archaeological survey and identified no sacred sites or other areas of concern within the project boundaries.

4. Transco states that it does not consider *in situ* replacement a practical option because such conventional replacement would be subject to the same erosive forces of the river.

5. Transco states that the proposed installations and removals will improve the visual or aesthetic value of the river banks at the Chickasawhay River crossing by allowing native revegetation and dynamics of the river to control the natural succession of the banks at the crossing. Transco states that it will implement measures to restore and stabilize the construction work spaces and abandoned rights-of-way.

Therefore, Transco states that in view of (1) the essential need for the Chickasawhay River crossing to be able to move gas from Transco's production areas to Transco's market areas, and (2) the de minimis environmental impact of such project, Transco requests that the Commission issue a certificate and construction clearance by April 1, 1996.

By its application, Transco also seeks authorization to abandon by removing portions of its Main Lines A, B and C at the Chickasawhay River which will be replaced (including the portions in the river bed). Transco states that gas transmission across the Chickasawhay River will be unaffected by these abandonments. It is stated that the cost of removal of all three line segments is estimated at a total of $300,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CAR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and procedure, a hearing will be held with further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5929 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–170–000]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 7, 1996.

Take notice that on March 5, 1996, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, proposed to be effective April 5, 1996. Trunkline asserts that the purpose of this filing is to comply with the Commission's order issued September 28, 1995 in Docket No. RM95–3–000, 72 FERC ¶ 61,300 (1995).

Specifically, Trunkline is: (1) Adding Trunkline's telephone and facsimile numbers, as well as street address on the title page; (2) providing a separate map for each zone showing major interconnections; (3) rearranging rate sheet components to show adjustments approved pursuant to Subpart E of the Regulations in a separate column; (4) including a statement describing the order in which Trunkline discounts its rates; (5) updating and modifying the Index of Firm Customers to include the maximum daily quantity for each contract; (6) including a description of periodic reports required by Commission orders or settlements in proceedings initiated under Part 154 or 284 of the Commission's Regulations; and (7) updating references to Part 154 of the Regulations.

Trunkline states that a copy of this filing is being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5926 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–203–007, et al.]

UtiliCorp United Inc., et al.; Electric Rate and Corporate Regulation Filings

March 6, 1996.

Take notice that the following filings have been made with the Commission:

1. UtiliCorp United Inc.

[Docket No. ER95–203–007]

Take notice that on February 26, 1996, UtiliCorp United Inc. (''UtiliCorp'') filed tariff sheets revising Section 2.5 of its Interruptible Transmission Service Tariffs for its Missouri Public Service and WestPlains Energy Kansas and Colorado divisions, in accordance with the directives contained in the Commission's February 14, 1996, order in the above-docketed proceeding, all as more fully set forth in the compliance filing on file with the Commission and open to public inspection.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. IES Utilities, Inc., Interstate Power Company, Wisconsin Power & Light Company, South Beloit Water, Gas & Electric Company, Heartland Energy Services and Industrial Energy Applications, Inc.

[Docket No. EC96–13–000]

Take notice that on March 1, 1996, IES Utilities Inc. (IES), Interstate Power Company (IPC), Wisconsin Power & Light Company (WPL), South Beloit Water, Gas & Electric Company (South Beloit), Heartland Energy Services (Heartland), and Industrial Energy Applications (IEA) (collectively, the ''Applicants'') filed, pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's Regulations, a Joint Application requesting authorization of their merger and reorganization and the resulting consolidation of facilities (''Merger'') subject to the Commission's jurisdiction.

The Applicants state that they are making this filing in connection with the proposed merger of WPL Holdings, Inc. (the holding company parent of WPL and, indirectly, South Beloit), IES Industries Inc. (Industries) (the holding company parent of IES) and IPC. The Applicants state that they will be organized under Interstate Energy Corporation (Interstate Energy), the holding company parent that will be formed for the consummation of the Merger. IES, IPC, WPL and South Beloit will continue to operate in their respective service territories, as they do today. The reorganization will be effected through an exchange of common stock.

Comment date: March 29, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin) and Cenergy, Inc.

[Docket Nos. ER94–1090–002 and ER94–1113–005; ER94–1402–006]

Take notice that on February 29, 1996, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (collectively ''NSP'') tendered it's NSP Transmission Tariff compliance filing in response to the Commission order dated February 14, 1996.

In accordance with the Commission's order of February 14, 1996, NSP requests an effective date of November 14, 1994, for the Appendix A Tariff. In accordance with the WMI settlement agreement, NSP requests an effective date of January 1, 1996, for the Appendix C Tariff. Copies of the compliance filing have been sent to the service list maintained in these proceedings.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Illinois Power Company

[Docket No. ER95–874–000]

Take notice that on February 21, 1996, Illinois Power Company (Illinois Power), tendered for filing a revision to Amendment No. 18 to include Attachment A, ''Cost of Emission Allowance,'' to Service Schedule H.

Illinois Power has requested waiver of the Commission's notice requirements to permit the originally proposed effective date of June 1, 1995.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Southern Energy Marketing, Inc.

[Docket No. ER95–976–002]

Take notice that on February 28, 1996, Southern Energy Marketing, Inc. (''Southern Energy'') tendered for filing an amendment to its compliance filing in the above-referenced docket.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Nevada Power Company

[Docket No. ER96–98–001]

Take notice that on February 27, 1996, Nevada Power Company tendered for filing its refund report in the above-referenced docket.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Duke/Louis Dreyfus L.L.C.

[Docket No. ER96–108–000]

Take notice that on February 20, 1996, Duke/Louis Dreyfus L.L.C. (Duke/Louis Dreyfus) notified the Commission of a change in status.

The change in status results from the formation by Duke/Louis Dreyfus and Eastern Utilities Associates of a joint venture to market power.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Idaho Power Company

[Docket No. ER96–350–001]

Take notice that on February 15, 1996, Idaho Power Company (IPC) tendered for filing a clarification to its filing in the above-referenced docket regarding IPC's Point-to-Point and Network Integration Transmission Tariffs.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Northeast Utilities Service Company

[Docket No. ER96–496–001]

Take notice that on February 29, 1996, Northeast Utilities Service Company (NU) tendered for filing a conditional compliance filing of Wholesale Tariffs by NU in the above-referenced docket.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Florida Power Corporation

[Docket No. ER96–845–000]

Take notice that on February 28, 1996, Florida Power Corporation tendered for filing an amendment in the above-referenced docket.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Supersystems, Inc.

[Docket No. ER96–906–000]

Take notice that on February 20, 1996, Supersystems, Inc. tendered for filing supplemental information to its January 24, 1996, filing in the above-referenced docket.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Southern Company Services, Inc.

[Docket No. ER96–912–000]

Take notice that on February 27, 1996, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies) tendered for filing an amendment to

Interchange Service Contract between Southern Companies and Heartland Energy Services, Inc.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Southern Company Services, Inc.

[Docket No. ER96–913–000]

Take notice that on February 27, 1996, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies), tendered for filing an amendment to the Interchange Service Contract between Southern Companies and LG&E Power Marketing Inc., of Fairfax, Virginia.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Southern Company Services, Inc.

[Docket No. ER96–914–000]

Take notice that on February 27, 1996, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies), tendered for filing an amendment to the Interchange Service Contract between Southern Companies and CATEX Vitol Electric, L.L.C.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Public Service Electric and Gas Company

[Docket No. ER96–1009–000]

Take notice that on February 29, 1996, Public Service Electric and Gas Company of Newark, New Jersey amended its filing of an agreement for the sale of capacity and energy to Carolina Power and Light Company. Pursuant to the agreement, PSE&G will sell peaking capacity and associated energy for a period commencing on February 6, 1996 through February 29, 1996.

Copies of the amended filing have been served upon CP&L, the New Jersey Board of Public Utilities, the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Central Illinois Light Company

[Docket No. ER96–1075–000]

Take notice that on February 29, 1996, Central Illinois Light Company tendered for filing an additional exhibit to its February 16, 1996, filing in this proceeding.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. New England Power Pool

[Docket No. ER96–1173–000]

Take notice that on February 26, 1996, the New England Power Pool Executive Committee filed a signature page to the NEPOOL Agreement dated September 1, 1971, as amended, signed by CNG Power Services Corporation (CNG). The New England Power Pool Agreement, as amended, has been designated NEPOOL FPC No. 2.

The Executive Committee states that acceptance of the signature page would permit CNG to join the over 90 other electric utilities and independent power producers that already participate in the Pool. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make CNG a Participant in the Pool. NEPOOL, requests an effective date of May 1, 1996 for commencement of participation in the Pool by CNG.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. New England Power Pool

[Docket No. ER96–1174–000]

Take notice that on February 26, 1996, the New England Power Pool Executive Committee filed a signature page to the NEPOOL Agreement dated September 1, 1971, as amended, signed by Catex Vitol Electric L.L.C. (Catex). The New England Power Pool Agreement, as amended, has been designated NEPOOL FPC No. 2.

The Executive Committee states that acceptance of the signature page would permit Catex to join over 90 other electric utilities and independent power producers that already participate in the Pool. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make Catex a Participant in the Pool. NEPOOL, requests an effective date of May 1, 1996, for commencement of participation in the Pool by Catex.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. New England Power Pool

[Docket No. ER96–1175–000]

Take notice that on February 26, 1996, the New England Power Pool Executive Committee filed a signature page to the NEPOOL Agreement dated September 1, 1971, as amended, signed by ENRON Power Marketing, Inc. (ENRON). The New England Power Pool Agreement, as amended, has been designated NEPOOL FPC No. 2.

The Executive Committee states that acceptance of the signature page would permit ENRON to join over 90 other electric utilities and independent power producers that already participate in the Pool. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make ENRON a Participant in the Pool. NEPOOL requests an effective date of May 1, 1996, for commencement of participation in the Pool by ENRON.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Arizona Public Service Company

[Docket No. ER96–1176–000]

Take notice that on February 26, 1996, Arizona Public Service Company (APS), tendered for filing revised estimated load Exhibits applicable under the following rate schedules:

APS–FERC No.	Customer name	Exhibit
140 ..	Electrical District No. 8.	Exhibit "II".
142 ..	McMullen Valley Water C&DD.	Exhibit "II".
155 ..	Buckeye Water C&DD.	Exhibit "II".
158 ..	Roosevelt Irrigation District.	Exhibit "II".
153 ..	Harquahala Valley Power District.	Exhibit "II".
168 ..	Maricopa Water District.	Exhibit "II".
126 ..	Electrical District No. 6 of Pinal County.	Exhibit "II".
141 ..	Aquila Irrigation District.	Exhibit "II".
143 ..	Tonopah Irrigation District.	Exhibit "II".

Current rate levels are unaffected, revenue levels are unchanged from those currently on file with the Commission, and no other significant change in service to these or any other customer results from the revisions proposed herein. No new or modifications to existing facilities are required as a result of these revisions.

Copies of this filing have been served on the above customers and the Arizona Corporation Commission.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. J. Aron & Company

[Docket No. ER96–1177–000]

Take notice that on February 26, 1996, J. Aron & Company (J. Aron), tendered for filing a letter from the Executive Committee of the Western Systems Power Pool (WSPP) indicating that J. Aron has satisfied the requirements for WSPP membership. Accordingly, J. Aron requests that the Commission amend the WSPP Agreement to include it as a member.

J. Aron requests waiver of the 60-day prior notice requirement to permit its membership in the WSPP to become effective as of January 31, 1996, the date J. Aron accepted membership in the WSPP.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Central Illinois Public Service Company

[Docket No. ER96–1178–000]

Take notice that on February 27, 1996, Central Illinois Public Service Company (CIPS), submitted a Service Agreement, dated February 16, 1996, establishing Conoco Power Marketing Inc. (Conoco) as a customer under the terms of CIPS' Coordination Sales Tariff CST–1 (CST–1 Tariff).

CIPS requests an effective date of February 16, 1996, for the service agreement with Conoco. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon Conoco and the Illinois Commerce Commission.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Public Service Company of Oklahoma and Southwestern Electric Power Company

[Docket No. ER96–1179–000]

Take notice that on February 27, 1996, Public Service Company of Oklahoma and Southwestern Electric Power Company (collectively the Companies) submitted Transmission Service Agreements establishing three new customers under the terms of the SPP Coordination Transmission Service Tariff.

The Companies request waiver of the Commission's notice requirements. Copies of the filing were served upon the three customers.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Central Power and Light Company and West Texas Utilities Company

[Docket No. ER96–1180–000]

Take notice that on February 27, 1996, Central Power and Light Company (CPL) and West Texas Utilities Company (WTU) (jointly, the Companies) submitted a Transmission Service Agreement establishing Destec Power Services, Inc. (Destec) as a customer under the terms of the ERCOT Coordination Transmission Service Tariff.

The Companies request waiver of the Commission's notice requirements. Copies of this filing have been served upon Destec.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. Central Power and Light Company and West Texas Utilities Company

[Docket No. ER96–1181–000]

Take notice that on February 27, 1996, Central Power and Light Company (CPL) and West Texas Utilities Company (WTU) (jointly, the Companies) submitted two Transmission Service Agreements, dated February 7, and February 19, 1996, establishing Destec Power Services, Inc. (Destec) and Entergy Power, Inc. (Entergy), respectively, as customers under the terms of the ERCOT Interpool Transmission Service Tariff.

The Companies request waiver of the Commission's notice requirements. Copies of this filing were served upon Destec and Entergy.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

26. Jersey Central Power & Light Co., Metropolitan Edison Company and Pennsylvania Electric Company

[Docket No. ER96–1192–000]

Take notice that on February 27, 1996, GPU Service Corporation (GPU) on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company tendered for filing a Service Agreement between GPU and Eastex Power Marketing, Inc.

Comment date: March 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

27. UtiliCorp United Inc.

[Docket No. ES96–18–001]

Take notice that on February 29, 1996, UtiliCorp United Inc. (UtiliCorp) filed an amendment to its application in Docket No. ES96–18–000, under § 204 of the Federal Power Act. In UtiliCorp's original application, it is seeking authorization to issue:

(i) Corporate guaranties in support of Debt Securities in an amount of up to and including $40 million (Canadian) to be issued in one or more series by West Kootenay Power, Ltd. (WKP) on or before December 31, 1997 which have estimated maturity dates of not more than thirty years after the date of issuances;

(ii) Corporate guaranties in support of obligations under working capital lines of credit in an amount of up to and including $20 million (Canadian) to guarantee such obligations for up to ten years;

(iii) A $3.1 million Junior Subordinated Debentures to UtiliCorp Capital L.P. which will have a maturity of no more than thirty years;

and for exemption from competitive bidding and negotiated placement requirements. WKP is a wholly-owned subsidiary of UtiliCorp British Columbia Ltd., which in turn is a wholly-owned subsidiary of UtiliCorp. UtiliCorp Capital L.P. is a limited partnership of which UtiliCorp is the general partner.

In the amendment, UtiliCorp amended item (ii) to request authority to guarantee working capital obligations for up to two years. UtiliCorp also deleted language that referenced sections of the Commission's Regulations that have been superseded. All other terms and conditions stated in its original application are unchanged.

Comment date: March 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

28. City of Palm Springs, California

[Docket No. TX96–7–000]

On March 1, 1996, the City of Palm Springs, California (''Palm Springs'' or ''City'') filed with the Federal Energy Regulatory Commission (''Commission'') an application requesting that the Commission order the Southern California Edison Company (''Edison'') to provide transmission services pursuant to Section 211 of the Federal Power Act (''Act''), as amended by the Energy Policy Act of 1992 (16 U.S.C. § 824j).

The Applicant is a municipal corporation chartered by the State of California, and is authorized to provide electric service to its inhabitants. The Applicant alleges that Edison has refused to provide the firm network transmission service requested by Palm Springs, thereby utilizing its transmission dominance to foreclose competition in bulk power markets.

The Applicant is requesting that the Commission issue a proposed order

requiring Edison to provide the firm network transmission service requested by Palm Springs, subject to negotiation of the transmission rate in accordance with the principles established in prior Commission orders for similar service. If the negotiations between Edison and Palm Springs do not resolve the issues between the parties with respect to rates, terms and conditions of service, the Applicant requests that the Commission issue a final order requiring the requested service on rates, terms, and conditions that the Commission determines to be just, reasonable and nondiscriminatory and otherwise in conformity with Section 212 of the Act.

A copy of the filing was served upon Edison.

Comment date: April 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5951 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 11286]

City of Abbeville; Notice of Intent to Conduct a Site Visit

March 7, 1996.

The Federal Energy Regulatory Commission (Commission) has received an application for an original license for the Abbeville Hydroelectric Project (FERC No. 11286) operated by the City of Abbeville (Abbeville) on the Rocky River in Abbeville and Anderson Counties, South Carolina.

Upon review of the application, supplemental filings, and intervenor submittals, the Commission staff has concluded that staff will prepare an Environmental Assessment (EA) that describes and evaluates the probable impacts of the applicant's proposals and alternatives for the project. The Commission issued a Scoping Document on February 14, 1996 for which comments are due on or before March 15, 1996.

A site visit to the project facilities is scheduled for April 3 and 4, 1996. The purpose of this visit is for interested persons to observe the existing area resources and site conditions, learn the locations of proposed new facilities, and discuss project operational procedures with representatives of Abbeville and the Commission.

Times and Directions

April 3, 1996
2:00 p.m.–5:00 p.m.
April 4, 1996
9:30 a.m.–4:30 p.m.

Both visits will begin at Lake Secession Dam. The dam is located on Rocky River Road. From I–85 take Route 28 south exit to Anderson and continue south to Antreville. From Antreville (from the north) or Abbeville (from the south), follow Route 28 to Sailor's Store. At Sailor's Store (closed), take State Road 72. Go west on SR72 and cross over Lake Russell (one can see the dam from the bridge over Lake Russell). Continue up a hill and take the first right onto Rocky River Road and proceed to the dam.

On April 4, we have planned a boat trip on Lake Secession. In order to ensure that the boat can accommodate everyone who attends the site visit, people will need to call in advance and confirm their attendance on the second day. We may not be able to accommodate people who do not call at least 4 days in advance.

For further information, please contact John McEachern at (202) 219–3056.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5928 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP96–212–000, et al.]

Colorado Interstate Gas Company, et al., Natural Gas Certificate Filings

March 6, 1996.

Take notice that the following filings have been made with the Commission:

1. Colorado Interstate Gas Company

[Docket No. CP96–212–000]

Take notice that on February 26, 1996, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP96–212–000 a request pursuant to Section 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to operate in interstate commerce certain facilities previously constructed or operated to effectuate transportation services pursuant to Section 311 of the Natural Gas Policy Act (NGPA), and to construct and operate a new delivery facility. CIG makes such request, under its blanket certificate issued in Docket No. CP83–21–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, CIG indicates that it has constructed the following facilities for the purpose of Section 311 transportation:

Cattle Guard Delivery Facility in Sherman County, Texas
Gooseberry Creek Delivery Facility in Washakie County, Wyoming
Dudley Bluffs Delivery Facility in Rio Blanco County, Colorado
Wilburton Delivery Facility in Morton County, Kansas

CIG seeks certificate authorization to construct and operate the Town of Burlington, Wyoming Delivery Facility which is proposed to be installed in Big Horn County, Wyoming.

By its request, CIG seeks authority to operate these facilities pursuant to the blanket certificate provision of Section 7(c) of the NGA so that any transportation shipper, without regard to Section 311 of the NGPA, may receive service when capacity on these facilities is available.

CIG indicates that the operational constraints under Section 311, have made it difficult for CIG to compete and be market responsive, because Section 311 does not provide the operational flexibility provided under Section 7.

CIG states that it believes that it would experience no significant impact on its peak day or annual requirements resulting from the operation of the subject facilities in interstate commerce, and that operation other than strictly for Section 311 purposes can be performed without detriment or disadvantage to CIG's other existing customers.

Comment date: April 22, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. Columbia Gas Transmission Corp.

[Docket No. CP96–213–000]

Take notice that Columbia Gas Transmission Corporation (Columbia), a Delaware corporation, having its

principal place of business at 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314–1599, filed on February 28, 1996, an abbreviated application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing: (i) an increase in the performance capabilities of certain existing storage fields; (ii) the construction and operation, upgrading, and replacement of certain natural gas facilities; (iii) the abandonment of certain natural gas facilities and certain base storage gas; and (iv) such other authorizations and/or waivers as may be deemed necessary to implement Columbia's Market Expansion Project (Project), all as more fully set forth in the application on file with the Commission and open to public inspection.

Columbia proposes to make certain improvements at a total estimated cost of approximately $350 million (in current year dollars) to expand the capacity of its pipeline and storage systems in order to serve customers' requests for new or increased firm services. Columbia requests that it be granted rolled-in rate treatment for the Project's costs.

In total, Columbia will provide 506,795 dekatherms per day (dth/d) of additional daily firm entitlements, comprised of 417,931 dth/d of Firm Storage Service (FSS) and Storage Service Transportation (SST); 88,864 dth/d of Firm Transportation Service (FTS); and 24,197,764 dth of additional FSS Storage Contract Quantity (SCQ), to be phased in over a three-year period beginning in 1997.

Columbia proposes construction in its storage and transmission systems. The proposed storage system work includes increasing the performance capabilities of 14 existing storage fields by constructing and operating certain new facilities and replacing certain facilities in order to increase seasonal turnover of approximately 18,500 MMcf and additional maximum deliverability of approximately 370 MMcf/d. This work also includes increasing the maximum capacity of Columbia's Crawford Storage Field by approximately 10,200 MMcf. Columbia also proposes to confirm the storage boundaries for certain of its storage fields. Columbia's proposed transmission work includes construction of approximately 88 miles of new pipeline, replacement of approximately 8.5 miles of existing pipeline and increasing the maximum Allowable Operating Pressure of approximately 282 miles of pipeline.

Further, Columbia proposes to construct, relocate (abandon and re-install) and uprate approximately 35,750 total horsepower at 14 existing transmission compressor stations; approximately 18,500 total horsepower at two new transmission compressor stations; and increase certificated horsepower levels of nine existing units at six transmission stations by a total of 5,579 horsepower. In addition, Columbia proposes to modify, upgrade, or construct 14 measuring and appurtenant facilities which relate to increases in Maximum Daily Delivery Obligations and new points of delivery associated with Columbia's firm service increases.

The Commission's Staff will defer processing Columbia's proposal pending the submission of complete environmental information which is necessary to evaluate its application.

Comment date: March 27, 1996, in accordance with Standard Paragraph F at the end of this notice.

3. Transwestern Pipeline Company

[Docket No. CP96–214–000]

Take notice that, on February 27, 1996, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, Houston, Texas 77002, filed an abbreviated application in Docket No. CP96–214–000, pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations, for authorization to abandon, by sale to West Texas Gas, Inc. (WTG), 59 farm tap facilities located in Texas and New Mexico, along with the related service Transwestern renders through those facilities, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Transwestern states that the farm tap facilities it seeks to abandon, by sale to WTG, are currently jurisdictional. The subject facilities are located downstream of Transwestern's first above-ground valve, and consist of the pipe, measuring instruments, regulating equipment, relief devices, valves, fittings, fence and other equipment appurtenant to each farm tap. Transwestern states that it will retain the facilities upstream of each first above-ground valve, including the valve and associated riser.

Transwestern further states that: (1) WTG already provides service to customers at 24 of the subject farm taps under an interruptible transportation agreement with Transwestern; (2) another 20 of the subject farm tap facilities are being served under agreement with Transwestern (under Transwestern's Rate Schedule FTS–2); and (3) Transwestern's records list the remaining 15 farm tap facilities as ''inactive'' or ''no flows.''

According to Transwestern, after it abandons and WTG acquires the subject facilities, WTG will operate them as part of its local distribution activities, subject to the jurisdiction of the applicable state regulatory authority. Transwestern asserts that the public convenience and necessity requires the approval of the proposed abandonment, by sale to WTG, because: (1) Transwestern no longer has a merchant function; (2) entities such as WTG have assumed the merchant role and now engage in the sale and distribution of gas to former Transwestern customers; (3) the subject facilities will remain in place after the proposed change in ownership and will continue to be operated by WTG, since WTG has no plans to abandon service through these facilities; and (4) the proposed change in ownership will enable Transwestern to operate its own system more efficiently and effectively.

Comment date: March 27, 1996, in accordance with Standard Paragraph F at the end of this notice.

4. Northern Natural Gas Company

[Docket No. CP96–215–000]

Take notice that on February 28, 1996, Northern Natural Gas Company (Northern) filed an application pursuant to Section 7(b) of the Natural Gas Act and Sections 157.7 and 157.18 of the Commission's Regulations, for approval to abandon, by sale to West Texas Gas, Inc. (WGT), certain pipeline facilities with appurtenances, in Irion and Reagan Counties, Texas, and services rendered thereby. Northern also requests permission and approval to abandon, by sale to WGT, certain small volume measuring stations, with appurtenances, located in various counties in Texas, all as more fully set forth in this request which is on file with the Commission and open to public inspection.

Comment date: March 27, 1996, in accordance with Standard Paragraph F at the end of this notice.

5. CNG Transmission Corporation

[Docket No. CP96–222–000]

Take notice that on February 29, 1996, CNG Transmission Corporation (CNGT), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP96–222–000 an application pursuant to Section 7(c) of the Natural Gas Act to increase the horsepower at CNGT's Finnefrock Compressor Station (Unit #4) in Clinton County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CNGT requests authorization to increase the certificated operating horsepower of its Unit #4 at Finnefrock Compressor Station from 3,400 to 4,000 horsepower. CNGT states that it will not be necessary to modify any facilities as a result of the upgrade.

Comment date: March 27, 1996, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–5952 Filed 3–12–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5440–2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507 (a)(1)(D)), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 12, 1996.

FOR FURTHER INFORMATION OR COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 222.04.

SUPPLEMENTARY INFORMATION:

Title: Investigations into Possible Noncompliance of Motor Vehicles with Federal Emission Standards (OMB Control No. 2060–0086; EPA ICR No. 222.04). This is a request for extension of a currently approved collection.

Abstract: This information collection includes three instruments that are used by the U.S. EPA to identify motor vehicles and engines for possible inclusion in its emissions control testing programs. The self-addressed postcard and owner telephone questionnaire are completed using information given by owners of vehicles or engines from a vehicle class under investigation. The maintenance verification form is administered to representatives of service facilities that performed maintenance on vehicles or engines whose owners have responded to the owner telephone questionnaire. This form is intended to be used to supply missing information when necessary. Responses to this collection are voluntary. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The OMB control number for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 12/1/95 and no comments were received. (60 FR 61696).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. Burden means the total time, effort, of financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Private and commercial owners of motor vehicles and engines.

Estimated Number of Respondents: 15,050.

Frequency of Response: Once.

Estimated Total Annual Hour Burden: 2,575.

Estimated Total Annualized Cost Burden: $59,530.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 222.04 and OMB Control No. 2060–0086 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street SW., Washington, DC 20460

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

Dated: March 7, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–5982 Filed 3–12–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5440–3]

Agency Information Collection Activities Under OMB Review; OMB No. 2060–0021 EPA No. 0622.05

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501(a)(1)(D)), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 11, 1996.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 0662.054.

SUPPLEMENTARY INFORMATION:

Title: NSPS—Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing. OMB Control No. 2060–0012; EPA ICR No. 0662.05. This is a request for a revision of a currently approved collection.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR Part 60.480, subpart VV, VOC Equipment Leaks in SOCMI. This information is used by the Agency to identify sources subject to the standards and to insure that the best demonstrated technology is being properly applied. The standards require periodic recordkeeping to document process information relating to the sources' ability to identify and eliminate leaking equipment. The standards apply to specific pieces of equipment contained within a process unit in the SOCMI, including pumps in light liquid service, compressors, pressure relief devices in gas/vapor, light liquid or heavy liquid service, sampling connection systems, open-ended valves or lines, valves in gas/vapor and light liquid service, pumps and valves in heavy liquid service and flanges and other connectors.

In the Administrator's opinion, VOC emissions from equipment leaks in the SOCMI cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, New Source Performance Standards have been promulgated for this source category as required under section 111 of the Clean Air Act.

Owners or operators of the affected facilities described must make the following one time only reports: notification of the date of construction or reconstruction, notification of the anticipated and actual date of startup, notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which the standard applies, and the unit identification and number of valves, pumps compressors subject to the standards. All semiannual reports are to include process unit identification, number of components leaking and not repaired, dates of process unit shutdowns and revisions so items submitted in the initial semiannual report. The source is also required to notify the Administrator of the election to use an alternative standard for valves ninety days before implementing the provision.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9. The Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on 12/08/95 (60 FR 63035) and no comments were received.

Burden Statement: The estimated number of annual responses is 2482. The annual public reporting and recordkeeping burden for this collection of information is estimated to average 94 hours per respondent. This estimate includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 1.

Estimated No. of Respondents: 2482.

Estimated Total Annual Burden on Respondents: 232,878 hours.

Frequency of Collection: Semiannual.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0662.05 and OMB Control No. 2060–0012 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street SW., Washington, DC 20460

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

Dated: March 7, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–5983 Filed 3–12–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5439–9]

Cancellation of Common Sense Initiative Council, Automobile Manufacturing Sector Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Cancellation of Open Meeting of the Public Advisory Common Sense Initiative Council, Automobile Manufacturing Sector Subcommittee.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is given that the Automobile Manufacturing Sector Subcommittee of the Common Sense Initiative Council meeting scheduled for March 19, 1996, in Washington, D.C. has been cancelled.

Cancellation of Open Meeting Notice

Notice is hereby given that the Environmental Protection Agency, has cancelled an open meeting of the Automobile Manufacturing Sector Subcommittee which was scheduled for Tuesday, March 19, 1996.

The project teams are continuing to meet regularly and make progress on their work plans. The project team chairs are scheduling a meeting with the Subcommittee co-chairs, Mary D. Nichols. Assistant Administrator, Office of Air and Radiation, EPA, and John H. Hankinson, Jr., Regional Administrator, Region 4, EPA. This meeting will serve as an information exchange and planning meeting in which no

consensus decisions will be made. The next Automobile Manufacturing Sector Subcommittee meeting is being scheduled for May. A notice will be published once the plans for this meeting have been finalized.

FOR FURTHER INFORMATION: For more information about the cancellation of this meeting, please call Ms. Carol Kemker, Designated Federal Official (DFO), at 404–347–3555 extension 4222, or Keith Mason, Alternate DFO, on 202–260–1360.

Dated: March 7, 1996.

Prudence Goforth,

Designated Federal Officer.

[FR Doc. 96–5985 Filed 3–12–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget a request for OMB review of the information collection system described below.

Type of Review: Renewal without change in the substance or method of collection.

Title: Activities of State-Licensed Insured Branches of Foreign Banks.

Form Number: None.

OMB Number: 3064–0114.

Expiration of OMB Clearance: April 30, 1996.

OMB Reviewer: Milo Sunderhauf, (202) 395–7316, Office of Management and Budget, OIRA, Paperwork Reduction Project (3064–0114), Washington, D.C. 20503.

FDIC Contact: Steven F. Hanft, (202) 898–3907, Office of the Executive Secretary, Room F–400, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before April 12, 1996.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Section 202 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) imposes restrictions on the permissible activities of state-licensed branches of foreign banks. The statute provides that after December 19, 1992, a state-licensed branch of a foreign bank may not engage in any activity which is not permissible for a federal branch of a foreign bank unless (1) the Board of Governors of the Federal Reserve has determined that the activity is consistent with safe and sound banking practice, and (2) the FDIC has determined that the activity would pose no risk to the deposit insurance fund. The collection of information consists of procedures to apply for permission to engage in, or continue to engage in, an activity which is not permissible for a federal branch of a foreign bank, and the submission of a plan to discontinue those activities that are deemed to pose significant risk to the deposit insurance fund. This collection is contained in the FDIC's regulations at 12 CFR 346.

Dated: March 8, 1996.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 96–5960 Filed 3–12–96; 8:45 am]

BILLING CODE 6714–01–M

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget a request for OMB review of the information collection system described below.

Type of Review: Revision of a currently approved collection.

Title: Contract and Procurement Information Requirements.

Form Number: Forms FDIC 3320/11, 12, 13, 14, and 19; FDIC 6371/01.

OMB Number: 3064–0072.

Expiration Date of OMB Clearance: April 30, 1996.

OMB Reviewer: Milo Sunderhauf, (202) 395–7316, Office of Management and Budget, OIRA, Paperwork Reduction Project (3064–0072), Washington, D.C. 20503.

FDIC Contact: Steven F. Hanft, (202) 898–3907, Office of the Executive Secretary, Room F–400, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before April 12, 1996.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: This collection involves the submission of information on various forms by contractors who wish to do business with the FDIC. The information is used by offerors to submit quotes and amend proposals, to permit the evaluation of bids from offerors, to award contracts, and to make purchases of goods and services. The revisions consist of the deletion of two forms (the 3320/11, Solicitation, Offer, and Award; and the 3320/13, Award/Contract), and the addition of fitness and integrity certifications for contractors.

Dated: March 8, 1996.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 96–5961 Filed 3–12–96; 8:45 am]

BILLING CODE 6714–01–M

Affordable Housing Advisory Board; Re-Charter and Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of re-charter and meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., announcement is hereby published of the re-charter of the Affordable Housing Advisory Board (AHAB) and notice of a meeting. The meeting is open to the public.

DATES: The Federal Deposit Insurance Corporation, Affordable Housing Advisory Board will hold its first meeting on Thursday, March 28, 1996 in Washington, D.C., from 9:00 a.m. to 12 Noon (General) and 1:00 p.m. to 2:30 p.m. (Planning).

ADDRESSES: The meeting will be held at the following location: Federal Deposit

Insurance Corporation, Board Room, 550 17th Street NW., Room 6010, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Danita M.C. Walker, Committee Management Officer, Federal Deposit Insurance Corporation, 801 17th Street NW., Room 736, Washington, D.C. 20249, (202) 416–4086.

SUPPLEMENTARY INFORMATION: This notice announces the re-charter of the Affordable Housing Advisory Board. The FDIC has now assumed responsibility for the Affordable Housing Advisory Board. Section 14(b) of the Resolution Trust Corporation Completion Act, Public Law 103–204, established the Affordable Housing Advisory Board to advise the Thrift Depositor Protection Oversight Board (Oversight Board) and the FDIC Board of Directors on policies and programs related to the provision of affordable housing. The AHAB's original charter was issued March 9, 1994. Pursuant to section 9(c) of the Federal Advisory Committee Act, the re-charter was approved and filed by the FDIC on February 26, 1996, with the Committee on Banking, Housing and Urban Affairs of the United States Senate, and the Committee on Banking and Financial Services of the House of Representatives. Copies were provided to the General Services Administration, and the Library of Congress, Federal Advisory Committee Desk. The Board consists of the Secretary of Housing and Urban Development (HUD) or delegate; the Chairperson of the Board of Directors of the FDIC, or delegate; the Chairperson of the Oversight Board, or delegate; four persons appointed by the General Deputy Assistant Secretary of HUD who represent the interests of individuals and organizations involved in using the affordable housing programs, and two members of the Regional Advisory Board. The AHAB's original charter was issued March 9, 1994, and a re-charter was issued on February 26, 1996.

Agendas

An agenda will be available at the meeting. At the general session, the AHAB will review the status and receive reports on four topics: (1) Status of the RTC Affordable Housing Program; (2) Status of the FDIC Appropriated Affordable Housing Program; (3) Planning of the FDIC Affordable Housing Program without an appropriation and; (4) Status of the Monitoring and Compliance Program. The planning meeting will discuss the board topics for 1996. The AHAB will develop recommendations at the conclusion of the Board meeting. The AHAB's chairperson or its Delegated Federal Officer may authorize a member or members of the public to address the AHAB during the public forum portion of the session.

Statements

Interested persons may submit, in writing, data, information or views on the issues pending before the Affordable Housing Advisory Board prior to or at the general session of the meeting. Seating for the public is available on a first-come first-served basis.

Dated: March 7, 1996.

Danita M.C. Walker,

Committee Management Officer, Federal Deposit Insurance Corporation.

[FR Doc. 96–5947 Filed 3–12–96; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1095–DR]

New York; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New York, (FEMA–1095–DR), dated January 24, 1996, and related determinations.

EFFECTIVE DATE: February 29, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of New York, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 24, 1996:

Madison and Putnam Counties for Individual Assistance (already designated for Public Assistance and Hazard Mitigation Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–5956 Filed 3–12–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–3118–EM]

Oklahoma; Amendment to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Oklahoma, (FEMA–3118–EM), dated February 27, 1996, and related determinations.

EFFECTIVE DATE: March 2, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of Oklahoma, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of February 26, 1996:

Cleveland and Tulsa Counties for emergency assistance as defined in the declaration letter of February 27, 1996.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–5955 Filed 3–12–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–3117–EM)

Amendment to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Texas, (FEMA–3117–EM), dated February 23, 1996, and related determinations.

EFFECTIVE DATE: March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of Texas, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of February 23, 1996:

Bastrop County for emergency assistance as defined in this declaration.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–5954 Filed 3–12–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1098–DR]

Virginia; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia, (FEMA–1098–DR), dated January 27, 1996, and related determinations.

EFFECTIVE DATE: March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Virginia, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 27, 1996:

Pulaski County for Public Assistance and Hazard Mitigation Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–5957 Filed 3–12–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1100–DR]

Washington; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington, (FEMA–1100–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Washington, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1996:

Kitsap County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–5958 Filed 3–12–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 207–011257–002.

Title: Wallenius/NOSAC Far East Joint Service Agreement.

Parties:

Wallenius Lines AB

Norwegian Specialized Autocarries

Synopsis: The proposed amendment amends the geographic scope to include U.S. Atlantic Coast and Gulf Coast ports. It also makes other nonsubstantive changes to the Agreement.

Agreement No.: 203–011479–002.

Title: Serpac Service Agreement.

Parties:

Compania Sudamericana de Vapores, S.A.

Flota Mercante Grancolombiana, S.A.

Columbus Line

Synopsis: The proposed amendment clarifies Article 5—Agreement Authority to state that the members have the authority to discuss and agree upon uniform time volume rates (''TVRs'') and service contracts and to aggregate cargo pursuant to those TVRs and service contracts.

Agreement No.: 217–011532.

Title: Van Ommeren/Samskip Space Charter Agreement.

Parties:

Van Ommeren Shipping (USA) Inc. (''Van Ommeren'')

Samskip.

Synopsis: The proposed Agreement permits Samskip to charter space on Van Ommeren's vessels in the trade between ports on the East Coast of the United States and ports in Iceland.

Agreement No.: 224–200743–001.

Title: City of Kodiak, Alaska/Sea-Land Service, Inc., Preferential Use Agreement.

Parties:

City of Kodiak

Sea-Land Service, Inc.

Synopsis: The proposed Agreement increases the wharfage fees that apply to all other cargo from $2.25 to $2.43 per ton; increases the dockage fees; deletes paragraph C from the Agreement; and terminates the Agreement effective February 28, 1998.

Dated: March 7, 1996.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 96–5904 Filed 3–12–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. § 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. § 1842(c)). If the

proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. § 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 8, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. First Commerce Banks of Florida, Inc., Winter Haven, Florida; to acquire 100 percent of the voting shares of First Mercantile National Bank, Longwood, Florida.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Citizens Bank Group, Inc., St. James, Minnesota; to acquire 75 percent of the voting shares, and its subsidiary, Pioneer Bank, Mapleton, Minnesota, to become a bank holding company by acquiring 25 percent of the voting shares, of Elmore Bancshares, Inc., Elmore, Minnesota, and thereby indirectly acquire The First National Bank of Elmore, Elmore, Minnesota. Citizens Bank Group proposes to contribute its 75 percent of Elmore to Pioneer Bank, and Elmore will be liquidated. Finally, Pioneer Bank will merge with Elmore's subsidiary bank, The First National Bank of Elmore, Elmore, Minnesota. Pioneer Bank will be the survivor with the First National Bank of Elmore and its current branch in Delavan, Minnesota operating as branches of Pioneer Bank.

Board of Governors of the Federal Reserve System, March 7, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–5936 Filed 3–12–96; 8:45 am]

BILLING CODE 6210–01–F

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 27, 1996.

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Shirley L. Garrison, Hereford, Texas; to acquire an additional 11.92 percent, for a total of 34.96 percent, of the voting shares of Plains Bancorp, Inc., Dimmitt, Texas, and thereby indirectly acquire First United Bank, Dimmitt, Texas.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Fai H. Chan, Causeway Bay, Hong Kong; to acquire an additional 45.78 percent, for a total of 51.41 percent, of the voting shares of American Pacific Bank, Aumsville, Oregon.

Board of Governors of the Federal Reserve System, March 7, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–5935 Filed 3–12–96; 8:45 am]

BILLING CODE 6210–01–F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. § 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to commence or to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. § 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 27, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. St. Edward Management Company, St. Edward, Nebraska; to engage *de novo* through the acquisition of a 29.3 percent limited partnership interest in its subsidiary, Meadow Ridge Apartments, Norfolk, Nebraska, in community

development activities, pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 7, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–5937 Filed 3–12–96; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m. March 18, 1996.

PLACE: 4th Floor, Conference Room, 1250 H Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the February 20, 1996, Board meeting.
2. Investment policy reaffirmation.
3. Thrift Savings Plan activity report by the Executive Director.
4. Review of the KPMG Peat Marwick audit report: ''Pension and Welfare Benefits Administration Review of the U.S. Department of Treasury Operations relating to the Thrift Savings Plan Investments in the Government Securities Fund.''

CONTACT PERSON FOR MORE INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: March 6, 1996.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 96–6059 Filed 3–8–96; 4:05 pm]

BILLING CODE 6760–01–M

FEDERAL TRADE COMMISSION

[Dkt. C–3614]

Alpine Industries, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, two Minnesota-based sister companies and their principal officer from making unsubstantiated claims about the ability of any air cleaning product to eliminate, remove, clear or clean any indoor air pollutant—or any quantity of indoor air pollutants—from a user's environment.

DATES: Complaint and Order issued September 22, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Jeffrey Klurfeld, Kerry O'Brien, and Linda Badger, San Francisco Regional Office, Federal Trade Commission, 901 Market Street, Suite 570, San Francisco, CA 94103. (415) 744–7920.

SUPPLEMENTARY INFORMATION: On Wednesday, July 5, 1995, there was published in the Federal Register, 60 FR 35021, a proposed consent agreement with analysis In the Matter of Alpine Industries, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 96–5979 Filed 3–12–96; 8:45 am]

BILLING CODE 6750–01–M

[File No. 932–3310]

Benckiser Consumer Products, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit the Danbury, Connecticut-based company from making certain misleading claims for any of its household cleaning products. The consent agreement settles allegations that Benckiser made false and misleading ''cause-related marketing'' claims in advertising its ''EarthRite'' line of household cleaning products. Benckiser claimed that a portion of EarthRite's proceeds would be donated to non-profit environmental groups, when in fact, according to the FTC, the company has not donated any money to such groups since it began selling EarthRite products in 1992.

DATES: Comments must be received on or before May 13, 1996.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT:

Thomas B. Carter, Dallas Regional Office, Federal Trade Commission, 100 N. Central Expressway, Suite 500, Dallas, TX 75201. 214–767–5518.

James R. Golder, Dallas Regional Office, Federal Trade Commission, 100 N. Central Expressway, Suite 500, Dallas, TX 75201. 214–767–5508.

Gary D. Kennedy, Dallas Regional Office, Federal Trade Commission, 100 N. Central Expressway, Suite 500, Dallas, TX 75201. 214–767–5512

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

In the matter of Benckiser Consumer Products, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Benckiser Consumer Products, Inc., a corporation, and it now appearing that Benckiser Consumer Products, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Benckiser Consumer Products, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Benckiser Consumer Products, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office or place of business at Corporate Centre I, 55 Federal Road, Danbury, Connecticut 06813–1991.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent of facts, other than jurisdictional facts, or of violations of law as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and the order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Benckiser Consumer Products, Inc., a corporation, its successors and assigns, and its officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, promotion, offering for sale, sale, or distribution of any household cleaning product in or affecting commerce, as ''commerce'' is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that any portion of the revenues from the sale of such household cleaning product is donated to any organization; provided, however, respondent will not be in violation of this Part I if it truthfully represents that a portion of the revenues from the sale of such household cleaning product is donated to an organization and discloses, clearly, prominently, and in close proximity to such representation, the method of determining the amount of such donation. A disclosure shall be deemed to be ''in close proximity'' to a representation if there is a clear and conspicuous cross-reference to the disclosure. The use of an asterisk or other symbol shall not constitute a clear and conspicuous cross-reference. A cross-reference shall be deemed clear and conspicuous if it is of sufficient prominence to be readily noticeable and readable by the prospective purchaser when examining the advertisement or part of the package on which the representation appears.

II

It is further ordered that for five (5) years after the last date of dissemination of any representation covered by this Order, respondent, or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

III

It is further ordered that respondent shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation and placement of advertisements, promotional materials, product labels or other such sales materials covered by this Order.

IV

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as a dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this Order.

V

It is further ordered that respondent shall, within sixty (60) days after service of this Order upon it, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

VI

It is further ordered that this Order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the Order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this Order that terminates in less than twenty (20) years;

B. This Order's application to any respondent that is not named as a defendant in such complaint; and

C. This Order if such complaint is filed after the Order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this paragraph as though the complaint was never filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from Benckiser Consumer Products, Inc. (''Benckiser'').

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint in this matter charges Benckiser with engaging in unfair or deceptive acts or practices in connection with the advertising and promotion of EarthRite household cleaning products. According to the complaint, Benckiser falsely represented that it donates some portion of the revenue from the sale of EarthRite products to non-profit environmental organizations. The complaint also alleges that Benckiser falsely represented that, at the times it made the donation claim, it relied upon a reasonable basis which substantiated the claim.

The consent order contains provisions designed to remedy the violations charged and to prevent Benckiser from engaging in similar deceptive acts or practices in the future.

Part I of the order prohibits Benckiser from representing that any portion of the revenue from the sale of any Benckiser household cleaning product is donated to any organization unless Benckiser discloses, clearly, prominently, and in close proximity to such representation, the method of calculating the amount of such donation.

Part II of the order requires Benckiser to maintain copies of all materials relied upon in making any representation covered by the order.

Part III of the order requires Benckiser to distribute copies of the order to its operating divisions and to various officers, agents, representatives and employees of Benckiser.

Part IV of the order requires Benckiser to notify the Commission of any changes in corporate structure that might affect compliance with the order.

Part V of the order is a ''sunset'' provision, dictating that the order will terminate twenty years from the date it is issued or twenty years after a complaint is filed in federal court, by either the United States or the FTC, alleging any violation of the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order, or to modify any of their terms.

Donald S. Clark,

Secretary.

[FR Doc. 96–5980 Filed 3–12–96; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3610]

Physicians Group, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Virginia physicians' group, and its seven board members from attempting to engage in an agreement or agreeing with other physicians to negotiate or refuse to negotiate with a third party payor. In addition, it requires dissolution of the group within 120 days.

DATES: Complaint and Order issued August 11, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Mark Horoschak or Rendell Davis, FTC/S–3115, Washington, DC 20580. (202) 326–2756 or (202) 326–2894.

SUPPLEMENTARY INFORMATION: On Thursday, May 11, 1995, there was published in the Federal Register, 60 FR 25223, a proposed consent agreement with analysis In the Matter of Physicians Group, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 96–5977 Filed 3–12–96; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3613]

The Scotts Company; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, Scotts, an Ohio-based corporation, to divest its Peters Consumer Water Soluble Fertilizer Business and related assets to Alljack & Company or another Commission-approved buyer by no later than December 31, 1995. If the divestiture is not completed on time, the consent order permits the Commission to appoint a trustee to complete the transaction. In addition, the Commission substituted a 10-year prior-notice provision for the 10-year prior-approval provision contained in the proposed consent agreement as it was published for public comment.

DATES: Complaint and Order issued September 8, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Howard Morse or Robert Cook FTC/S–3627, Washington, DC 20580. (202) 326–2949 or 326–2771.

SUPPLEMENTARY INFORMATION: On Thursday, June 15, 1995, there was published in the Federal Register, 60 FR 31470, a proposed consent agreement with analysis In the Matter of The Scotts Company, for the purpose of soliciting

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

[1] Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as modified since the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 96–5978 Filed 3–12–96; 8:45 am]

BILLING CODE 6750–01–M

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Meeting

AGENCY: General Accounting Office.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that the Federal Accounting Standards Advisory Board will meet on Thursday, March 28, 1996, from 9:00 a.m. to 4:00 p.m. in room 7C13 of the General Accounting Office, 441 G Street NW., Washington, DC.

The purpose of the meeting is to discuss the *Supplementary Stewardship Reporting* and *Accounting for Revenue and Other Financing Sources* exposure drafts and also to hear a presentation on the progress and results of agency audits of financial statements and upgrades of financial systems.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Executive Staff Director, 750 First Street NE., Room 1001, Washington, DC 20002, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: March 7, 1996.

Ronald S. Young,

Executive Director.

[FR Doc. 96–5924 Filed 3–12–96; 8:45 am]

BILLING CODE 1610–01–M

GENERAL SERVICES ADMINISTRATION

Change in Solicitation Procedures Under the Small Business Competitiveness Demonstration Program

AGENCY: Office Acquisition Policy, GSA.

ACTION: Notice.

SUMMARY: Title VII of the ''Business Opportunity Development Reform Act of 1988'' (Pub. L. 100–656) established the Small Business Competitiveness Demonstration Program and designated nine (9) agencies, including GSA, to conduct the program over a four (4) year period from January 1, 1989 to December 31, 1992. The Small Business Opportunity Enhancement Act of 1992 (Pub. L. 102–366) extended the demonstration program until September 1996 and made certain changes in the procedures for operation of the demonstration program. The law designated four (4) industry groups for testing whether the competitive capabilities of the specified industry groups will enable them to successfully compete on an unrestricted basis. The four (4) industry groups are: construction (except dredging); architectural and engineering (A&E) services (including surveying and mapping); refuse systems and related services (limited to trash/garbage collection); and non-nuclear ship repair. Under the program, when a participating agency misses its small business participation goal, restricted competition is reinstituted only for those contracting activities that failed to attain the goal. The small business goal is 40 percent of the total contract dollars awarded for construction, trash/garbage collection services, and non-nuclear ship repair and 35 percent of the total contract dollars awarded for architect-engineer services. This notice announces modifications to GSA's solicitation practices under the demonstration program based on a review of the agency's performance during the period from January 1, 1995 to December 31, 1995. Modifications to solicitation practices are outlined in the Supplementary Information section below and apply to solicitations issued on or after April 1, 1996.

EFFECTIVE DATE: April 1, 1996.

FOR FURTHER INFORMATION CONTACT: Tom Wisnowski, Office of GSA Acquisition Policy, (202) 501–1224.

SUPPLEMENTARY INFORMATION:

Procurements of construction or trash/garbage collection with an estimated value of $25,000 or less will be reserved for emerging small business concerns in accordance with the procedures outlined in the interim policy directive issued by the Office of Federal Procurement Policy (58 FR 13513, March 11, 1993).

Procurements of construction or trash/garbage collection with an estimated value that exceeds $25,000 by GSA contracting activities will be made in accordance with the following procedures:

Construction Services in Groups 15, 16, and 17

Procurements for all construction services (except solicitations issued by GSA contracting activities in Regions 3, 4, 5, 6, 8, and 9 in SIC Group 15, shall be conducted on an unrestricted basis.

Procurements for construction services in SIC Group 15 issued by GSA contracting activities in Regions 3, 4, 5, 6, 8, and 9 shall be set aside for small business when there is a reasonable expectation of obtaining competition from two or more small businesses. If no expectation exists, the procurements will be conducted on an unrestricted basis.

Region 3 encompasses the states of Pennsylvania, Delaware, West Virginia, Maryland (except Montgomery and Prince Georges counties), and Virginia (except the city of Alexandria and the counties of Arlington, Fairfax, Loudoun, and Prince William).

Region 4 encompasses the states of Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Mississippi, and Tennessee.

Region 5 encompasses the states of Illinois, Indiana, Ohio, Michigan, Minnesota, and Wisconsin.

Region 6 encompasses the states of Iowa, Kansas, Missouri and Nebraska.

Region 8 encompasses the states of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Region 9 encompasses the states of Arizona, California, Hawaii, and Nevada.

Trash/Garbage Collection Services in PSC S205

Procurements for trash/garbage collection services in PSC S205 will be conducted on an unrestricted basis.

Architect-Engineer Services (all PSC Codes Under the Demonstration Program)

Procurements for all architect-engineer services (except procurements issued by contracting activities in GSA Regions 2, 3, 4, 5, 9, and the National Capital Region) shall be conducted on an unrestricted basis.

Procurements for architect-engineer services issued by contracting activities

in Regions 2, 3, 4, 5, 9, and the National Capital Region shall be set aside for small business when there is a reasonable expectation of obtaining competition from two or more small businesses. If no expectation exists, the procurements may be conducted on an unrestricted basis.

Region 2 encompasses the states of New Jersey, New York, and the territories of Puerto Rico and the Virgin Islands.

Region 3 encompasses the states of Pennsylvania, Delaware, West Virginia, Maryland (except Montgomery and Prince Georges counties), and Virginia (except the city of Alexandria and the counties of Arlington, Fairfax, Loudoun, and Prince William).

Region 4 encompasses the states of Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Mississippi, and Tennessee.

Region 5 encompasses the states of Illinois, Indiana, Ohio, Michigan, Minnesota, and Wisconsin.

Region 9 encompasses the states of Arizona, California, Hawaii, and Nevada.

The National Capital Region encompasses the District of Columbia, Montgomery and Prince Georges counties in Maryland, and the city of Alexandria and the counties of Arlington, Fairfax, Loudoun, and Prince William in Virginia.

Non-nuclear ship repair

GSA does not procure non-nuclear ship repairs.

Dated: February 27, 1996.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 96–5908 Filed 3–12–96; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[0917–ZA00]

Redesignation of Contract Health Service Delivery Area; Confederated Tribes of the Chehalis Reservation

AGENCY: Indian Health Service, HHS.

ACTION: Final notice.

SUMMARY: The Notice advises the public that the Indian Health Service (IHS) is redesignating the geographic boundaries of the Contract Health Service Delivery Area (CHSDA) for the Confederated Tribes of the Chehalis Reservation, Washington (''the Tribes''). The Chehalis CHSDA currently is comprised of Grays Harbor and Thurston Counties in the State of Washington. These counties were designated as the Tribes' CHSDA in the Federal Register of January 10, 1984 (49 FR 1291). Lewis County, Washington, is being added to the existing CHSDA. This notice is issued under authority of 43 FR 34654, August 4, 1978.

DATE: March 13, 1996.

FOR FURTHER INFORMATION CONTACT: Leslie M. Morris, Acting Director, Division of Legislation and Regulations, Office of Planning, Evaluation and Legislation, Indian Health Service, Suite 450, 12300 Twinbrook Parkway, Rockville, Maryland 20852, Telephone 301/443–1116. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 4, 1978, the IHS published regulations establishing eligibility criteria for receipt of contract health services (CHS) and for the designation of CHSDAs (43 FR 34654, codified at 42 CFR 36.22, last published in the 1986 version of the Code of Federal Regulations). On September 16, 1987, the IHS published new regulations governing eligibility for IHS services. Congress has repeatedly delayed implementation of the new regulations by imposing annual moratoriums. Section 719(a) of the Indian Health Care Amendments of 1988, Pub. L. 100–713, explicitly provides that during the period of the moratorium placed on implementation of the new eligibility regulations, the IHS will provide services pursuant to the criteria in effect on September 15, 1987. Thus the IHS CHS program continues to be governed by the regulations contained in the 1986 edition of the Code of Federal Regulations in effect on September 15, 1987. See 43 CFR 36.21 *et seq.* (1986).

As applicable to the Tribes, these regulations provide that, unless otherwise designated, a CHSDA shall consist of a county which includes all or part of a reservation and any county or counties which have a common boundary with the reservation (42 CFR 36.22(a)(6) (1986)). The regulations also provide that after consultation with the tribal governing body or bodies of those reservations included in the CHSDA, the Secretary may, from time to time, redesignate areas within the United States for inclusion in or exclusion from a CHSDA. The regulations require that certain criteria must be considered before any redesignation is made. The criteria are as follows:

(1) The number of Indians residing in the area proposed to be so included or excluded;

(2) Whether the tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the tribe;

(3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

(4) The level of funding which would be available for the provision of contract health services.

Additionally, the regulations require that any redesignation of a CHSDA must be made in accordance with the procedures of the Administrative Procedure Act (5 U.S.C. 553). In compliance with this requirement, the IHS published a proposal in 60 FR 56159, November 7, 1995, to redesignate the CHSDA for the Confederate Tribes of the Chehalis Reservation, Washington. No comments were received.

The request of the Confederated Tribes of Chehalis Reservation to expand their CHSDA was presented in the Tribal Resolution 1994–38, dated August 17, 1994. The Tribes' request will expand their current CHSDA, which incorporates Garys Harbor and Thurston Counties in the State of Washington, to include Lewis County, Washington.

Under 42 CFR 36.23 those otherwise eligible Indians who do not reside on a reservation but reside within a CHSDA must be either members of the tribe or maintain close economic and social ties with the tribe. In this case, the tribe estimates that the current eligible CHS population will be increased by 25 individuals consisting of 13 enrolled Chehalis tribal members and 12 non-Chehalis members not currently covered because these individuals have no close economic and social ties with the Yakama but do with the Chehalis.

In applying the aforementioned CHSDA redesignation criteria required by operative regulations (43 FR 35654), the following findings are made:

1. Lewis County is contiguous with Thurston County. Both counties are within the State of Washington.

2. Lewis County is part of the Tribes' traditional territory and many tribal members retain ownership of public domain allotments there.

3. The Tribes share co-management responsibility with the State of Washington for 2,600 square miles of rivers and streams in the Chehalis River Basin, which includes Lewis County. Lands adjacent to the Chehalis River have historically been considered in defining the original tribal homeland.

4. The majority of potential new CHS users who reside in Lewis County are within 15 miles of the Tribes limited direct care facility and depend on the

Tribes for their health care requirements.

5. The nearest IHS comprehensive health center available to provide care for these beneficiaries is located in Toppenish, Washington, which is 150 miles away.

6. The current CHS patient care resources available to the tribes total $331,364 for 392 users. Per capita combined workload units (CWUs) are estimated at 5.7. The estimated costs associated with this request are $21,090 and are calculated as follows:

392 current users×5.7 CWUs=2,234 CWUs

$331,364 (current funding)/2,234 CWUs=$148 per CWU

$148×25 (new users)×5.7 CWUs=$21,090

7. The financial resources required to meet the immediate needs of potential Lewis County users will not be substantial and will be absorbed by that tribe's total health care program within available resources.

Since CHS is a critical component of the Tribes' overall health care system for its members, the Tribes feels that the members living in Lewis County, Washington, should be included within the CHSDA for the Tribes.

Accordingly, after considering the Tribes' request in light of the criteria specified in the regulations, the IHS is redesignating the CHSDA of the Tribes to consist of Grays Harbor, Thurston, and Lewis counties of the State of Washington.

This notice does not contain reporting or recordkeeping requirements subject to prior approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Dated: March 5, 1996.

Michael H. Trujillo,

Assistant Surgeon General, Director.

[FR Doc. 96–5892 Filed 3–12–96; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3660–N–04]

Office of the Assistant Secretary for Public and Indian Housing; Announcement of Funding Awards Public and Indian Housing Youth Sports Program Fiscal Year 1994

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year 1994 for the Youth Sports Program (YSP). The purpose of this Notice is to publish the names and addresses of the awardees and the amount of the awards made available by HUD to provide assistance to the Youth Sports Program.

FOR FURTHER INFORMATION CONTACT: Elizabeth Cocke, Crime Prevention and Security Division, Office of Community Relations and Involvement, Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 708–1197 (this is not a toll-free telephone number). Hearing- or speech impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Youth Sports Program is authorized by Section 520 of the National Affordable Housing Act (approved November 28, 1990, Pub. L. 101–625), as amended by section 126 of the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102–550, approved October 28, 1992). Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the regulations at 24 CFR part 135 (see June 30, 1994 Interim Rule, 59 FR 33866) are applicable to funding awards made in this Notice.

This Notice announces FY 1994 funding of $13,125,000 for the Youth Sports Program (YSP) to be used for sports, cultural, educational, recreational, or other activities designed to appeal to youth as alternatives to the drug environment in public or Indian housing developments. The FY 1994 awards announced in this Notice were selected for funding consistent with the provisions in the Notices of Funding Availability published in the Federal Register on May 11, 1994 (59 FR 24548).

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is hereby publishing the names, addresses, and amounts of those awards as shown in Appendix A.

Dated: March 6, 1996.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

Appendix A

Fiscal Year 1994 Public and Indian Housing Recipients of Final Funding Decisions Youth Sports Program

Funded Applicants and Amount Awarded

Funded Applicant: Alaska Housing Finance Corporation
P.O. Box 230329
Anchorage, AK 99523–0329
Phone: (907) 564–9206
Amount Awarded: $125,000

Funded Applicant: Tlingit-Haida Reg Housing Authority
P.O. Box 32237
Juneau, AK 99803
Phone: (907) 780–6868
Amount Awarded: $116,420

Funded Applicant: Bristol Bay Housing Authority
P.O. Box 50
Dillingham, AK 99576
Phone: (907) 842–5956
Amount Awarded: $125,000

Funded Applicant: Interior Region Housing Authority
828 27th Avenue
Fairbanks, AK 99701
Phone: (907) 452–8315
Amount Awarded: $122,972

Funded Applicant: Northwest Inupiat Housing Authority
P.O. Box 331
Kotzebue, AK 99752
Phone: (907) 442–3450
Amount Awarded: $125,000

Funded Applicant: Kodiak Island Housing Authority
3137 Mill Bay Road
Kokia, AK 99615
Phone: (907)486–8111
Amount Awarded: $60,500

Funded Applicant: Tuscaloosa Housing Authority
P.O. Box 2281
Tuscaloosa, AL 35403–2281
Phone: (205) 758–6619
Amount Awarded: $63,540

Funded Applicant: Poarch Band of Creek Indians of Alabama
HCR 69A Box 85B
Atmore, AL 36502
Phone: (205) 368–9136
Amount Awarded: $125,000

Funded Applicant: Mobile Housing Board
P.O. Box 1345
Mobile, AL 36633–1345
Phone: (334) 434–2201
Amount Awarded: $125,000

Funded Applicant: Jefferson County Housing Authority
3700 Industrial Pkwy
Birmingham, AL 35217
Phone: (205) 849–0123
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Tuskegee

2901 Davison St.
Tuskegee Institute, AL 36088
Phone: (334) 727–0459
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Prichard
P.O. Box 10307
Prichard, AL 36610
Phone: (334) 456–3324
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Alexander
P.O. Box 788
Alexander City, AL 35011
Phone: (205) 329–2201
Amount Awarded: $124,972

Funded Applicant: Housing Authority of the City of Montgomery
1020 Bell St.
Montgomery, AL 36104
Phone: (334) 206–7200
Amount Awarded: $125,000

Funded Applicant: Haleyville Housing Authority
P.O. Box 786
Haleyville, AL 35565
Phone: (205) 486–3571
Amount Awarded: $73,588

Funded Applicant: Housing Authority of the City of Magnolia
Box 488
Magnolia, AR 71753–0488
Phone: (501) 234–5540
Amount Awarded: $34,000

Funded Applicant: Housing Authority of the City of Brinkley
501 W. Cedar
Brinkley, AR 72021–2713
Phone: (501) 734–3165
Amount Awarded: $33,104

Funded Applicant: Housing Authority of the City of North Little Rock
P.O. Box 516
North Little Rock, AR 72115–0516
Phone: (501) 758–8911
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of England
102 Benefield Dr.
England, AR 72046–0214
Phone: (501) 842–2591
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Fort Smith
2100 North 31st St.
Fort Smith, AR 72904–6199
Phone: (501) 782–4991
Amount Awarded: $77,858

Funded Applicant: Housing Authority of the City of Conway
335 S. Mitchell
Conway, AR 72032
Phone: (501) 327–0156
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Camden
Box 39
Camden, AR 71701–0039
Phone: (501) 836–3232
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Crossett
Box 488
Crossett, AR 71635–0488
Phone: (501) 364–5095
Amount Awarded: $124,934

Funded Applicant: Housing Authority of the City of Little Rock
1000 Wolfe St.
Little Rock, AR 72202
Phone: (501) 340–4821
Amount Awarded: $125,000

Funded Applicant: Navajo Indian Reservation
P.O. Box 4980
Window Rock, AZ 86515
Phone: (602) 871–2600
Amount Awarded: $125,000

Funded Applicant: White Mountain Apache Reservation
P.O. Box 1270
Whiteriver, AZ 85941
Phone: (602) 338–4346
Amount Awarded: $125,000

Funded Applicant: Fort McDowell Mohave Apache Indian Reservation
P.O. Box 18337
Fountain Hills, AZ 85269–8337
Phone: (602) 837–6052
Amount Awarded: $125,000

Funded Applicant: Gila River Indian Reservation
P.O. Box 528
Sacaton, AZ 85247
Phone: (602) 562–3904
Amount Awarded: $100,000

Funded Applicant: Flagstaff Housing Authority
P.O. Box 2098
Flagstaff, AZ 86004–2098
Phone: (602) 526–0002
Amount Awarded: $50,935

Funded Applicant: Nogales Housing Authority
P.O. Box 777
Nogales, AZ 85628–0777
Phone: (602) 287–4183
Amount Awarded: $125,000

Funded Applicant: Phoenix Housing Department
830 E. Jefferson St.
Phoenix, AZ 85034–2298
Phone: (602) 262–7674
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the County of San Joaquin
P.O. Box 447
Stockton, CA 95201
Phone: (209) 466–1487
Amount Awarded: $100,000

Funded Applicant: Owens Valley At Big Pine Housing Authority
825 S. Main St.
Big Pine, CA 93513
Phone: (619) 938–2485
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Oxnard
1470 Colonia Road
Oxnard, CA 93030–3714
Phone: (805) 385–7577
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Los Angeles
2600 Wilshire Blvd
Los Angeles, CA 90057
Phone: (213) 252–2500
Amount Awarded: $125,000

Funded Applicant: San Diego Housing Commission
1625 Newton Ave.
San Diego, CA 92113
Phone: (619) 525–3716
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Santa Barbara
808 Laguna St.
Santa Barbara, CA 93101–1590
Phone: (805) 965–1071
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the County of Kern
525 Roberts Lane
Bakersfield, CA 93308–4799
Phone: (805) 393–2150
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Paso Robles
P.O. Box 817
Paso Robles, CA 93446–1047
Phone: (805) 238–4015
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the County of Santa
815 West Ocean Ave.
Lompoc, CA 93436
Phone: (805) 736–3423
Amount Awarded: $50,688

Funded Applicant: Housing Authority of the County of Santa Cruz
2160 41st Avenue
Capitola, CA 95010–2060
Phone: (408) 454–2920
Amount Awarded: $125,000

Funded Applicant: Sacramento County Housing & Redevelopment
P.O. Box 1834
Sacramento, CA 95812–1834
Phone: (916) 444–9210
Amount Awarded: $86,004

Funded Applicant: Oakland Housing Authority
1619 Harrison
Oakland, CA 94612
Phone: (510) 874–1500
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the County of Marin
P.O. Box 4282
San Rafael, CA 94913–4282
Phone: (415) 491–2533
Amount Awarded: $124,396

Funded Applicant: Housing Authority of the County of Contra
P.O. Box 2759
Martinez, CA 94553
Phone: (510) 372–0791
Amount Awarded: $125,000

Funded Applicant: Community Development Commission, County of L.
2 Coral Circle
Monterey Park, CA 91755
Phone: (213) 890–7001
Amount Awarded: $124,325

Funded Applicant: Hoopa Valley Indian Reservation
P.O. Box 1285
Hoopa, CA 95546
Phone: (916) 625–4211
Amount Awarded: $124,925

Funded Applicant: Indian Housing of Central California

5108 E. Clinton Way
Fresno, CA 93727
Phone: (209) 855–2326
Amount Awarded: $69,180

Funded Applicant: Area Housing Authority of Ventura County
99 S. Glenn Drive
Camarillo, CA 93010
Phone: (805) 482–2791
Amount Awarded: $35,735

Funded Applicant: Housing Authority of the City of Richmond
330-24th Street
Richmond, CA 94804
Phone: (510) 237–3271
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City and County of
Box 4305, Santa Fe Sta
Denver, CO 80204
Phone: (303) 534–0821
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Boulder
3120 Broadway Ave.
Boulder, CO 80304
Phone: (303) 441–3150
Amount Awarded: $124,567

Funded Applicant: Southern Ute Indian Housing Authority
P.O. Box 447
Ignacio, CO 81137
Phone: (303) 563–4575
Amount Awarded: $103,075

Funded Applicant: Housing Authority of the City of New Britain
34 Marimac Rd.
New Britain, CT 06053–2699
Phone: (203) 225–3534
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Middletown
40 Broad St.
Middletown, CT 06457–3249
Phone: (203) 346–8671
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Bristol
P.O. Box 918
Bristol, CT 06011–0918
Phone: (203) 582–6313
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Hartford
475 Flatbush Ave.
Hartford, CT 06106–3728
Phone: (203) 275–8400
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of New Haven
P.O. Box 1912
New Haven, CT 06509
Phone: (203) 946–2800
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Norwalk
P.O. Box 508
Norwalk, CT 06854–0508
Phone: (203) 838–8471
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of New London
P.O. Box 119
New London, CT 06320–0119
Phone: (203) 443–2851
Amount Awarded: $125,000

Funded Applicant: D.C. Department of Public and Assisted Housing
1133 N. Capitol St.
Washington, DC 20002–7599
Phone: (202) 535–1500
Amount Awarded: $125,000

Funded Applicant: Delaware State Housing Authority
18 The Green
Dover, DE 19903
Phone: (302) 739–4263
Amount Awarded: $125,000

Funded Applicant: Wilmington Housing Authority
400 N. Walnut Street
Wilmington, DE 19801
Phone: (302) 429–6736
Amount Awarded: $125,000

Funded Applicant: Ft. Walton Beach Housing Authority
27 Robinwood Dr. SW
Fort Walton Beach, FL 32548–5394
Phone: (904) 244–7645
Amount Awarded: $124,802

Funded Applicant: Housing Authority of the City of Lakeland
430 S. Hartsell Ave.
Lakeland, FL 33802–1009
Phone: (813) 687–2911
Amount Awarded: $54,971

Funded Applicant: Seminole Tribe of Florida
3101 N. 63rd Avenue
Hollywood, FL 33024
Phone: (305) 983–6727
Amount Awarded: $124,985

Funded Applicant: Gainesville Housing Authority
P.O. Box 1468
Gainesville, FL 32602
Phone: (904) 371–3180
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Ft. Pierce
707 N. 7th St.
Ft. Pierce, FL 34950
Phone: (407) 461–7281
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Eustis
1000 Wall Street
Eustis, FL 32726
Phone: (904) 357–7969
Amount Awarded: $97,036

Funded Applicant: Housing Authority of the City of Orlando
300 Reeves Court
Orlando, FL 32801–3199
Phone: (407) 896–1191
Amount Awarded: $125,000

Funded Applicant: Jacksonville Housing Authority
1300 Broad Street
Jacksonville, FL 32202–3901
Phone: (904) 630–6313
Amount Awarded: $125,000

Funded Applicant: Tampa Housing Authority
1514 Union Street
Tampa, FL 33607
Phone: (813) 253–0551
Amount Awarded: $125,000

Funded Applicant: Ocala Housing Authority
1415 NE 32nd Terr
Ocala, FL 34470
Phone: (904) 732–4026
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Deerfield
425 NW 1st Terrace
Deerfield Beach, FL 33441–1965
Phone: (305) 428–0678
Amount Awarded: $30,080

Funded Applicant: Housing Authority of the City of Stuart
611 S.E. Church St.
Stuart, FL 34994
Phone: (407) 287–0496
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Key West
1400 Kennedy Drive
Key West, FL 33040–2476
Phone: (305) 296–5621
Amount Awarded: $125,000

Funded Applicant: Alachua County Housing Authority
636 N.E. First St.
Gainesville, FL 32601
Phone: (904) 372–2549
Amount Awarded: $107,551

Funded Applicant: West Palm Beach Housing Authority
3801 Georgia Avenue
West Palm Beach, FL 33405–0247
Phone: (407) 835–7025
Amount Awarded: $124,195

Funded Applicant: Dade County HUD
1401 NW 7th Street
Miami, FL 33125
Phone: (305) 644–5277
Amount Awarded: $125,000

Funded Applicant: Area Housing Commission
P.O. Box 18370
Pensacola, FL 32523–8370
Phone: (904) 438–8561
Amount Awarded: $125,000

Funded Applicant: Ormond Beach Housing Authority
100 New Britain Ave.
Ormond Beach, FL 32174
Phone: (904) 677–2069
Amount Awarded: $65,210

Funded Applicant: DeLand Housing Authority
300 Sunflower Circle
DeLand, FL 32724–5556
Phone: (904) 736–1696
Amount Awarded: $47,261

Funded Applicant: Housing Authority of the City of St. Petersburg
P.O. 12849
St. Petersburg, FL 33705
Phone: (813) 821–2211
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Ft. Myers
4224 Michigan Avenue
Ft. Myers, FL 33916
Phone: (813) 334–4701
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Savannah
P.O. Box 1179
Savannah, GA 31402–1179
Phone: (912) 235–5800

Amount Awarded: $124,961

Funded Applicant: Housing Authority of the City of Tifton
P.O. Box 12
Tifton, GA 31794–0012
Phone: (912) 382–5434
Amount Awarded: $123,597

Funded Applicant: Housing Authority of the City of Atlanta
739 W. Peachtree, NE
Atlanta, GA 30365
Phone: (404) 892–4700
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Carrollton
P.O. Box 627
Carrollton, GA 30117–0627
Phone: (404) 834–2046
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Macon
P.O. Box 4928
Macon, GA 31208–4928
Phone: (912) 752–5070
Amount Awarded: $125,000

Funded Applicant: Guam Housing and Urban Renewal Authority
P.O. Box CS
Agana, GU 96910
Phone: (671) 477–9851
Amount Awarded: $125,000

Funded Applicant: Nez Perce Tribe Indian Housing Authority
P.O. Box 188
Lapwai, ID 83540
Phone: (208) 843–2229
Amount Awarded: $125,000

Funded Applicant: Randolph County Housing Authority
214 Opdyke Street
Chester, IL 62233
Phone: (618) 826–4314
Amount Awarded: $57,580

Funded Applicant: Housing Authority East St. Louis
700 N 20th St
East St. Louis, IL 62205
Phone: (618) 271–0498
Amount Awarded: $95,000

Funded Applicant: Springfield Housing Authority
200 N 11th St
Springfield, IL 62703–1004
Phone: (217) 753–5757
Amount Awarded: $120,500

Funded Applicant: Housing Authority City Danville
P.O. Box 312
Danville, IL 61834–0312
Phone: (217) 443–0621
Amount Awarded: $125,000

Funded Applicant: Decatur Housing Authority
1808 E Locust Street
Decatur, IL 62521–1409
Phone: (217) 423–7711
Amount Awarded: $125,000

Funded Applicant: Housing Authority City Bloomington
104 E Wood
Bloomington, IL 61701–6768
Phone: (309) 829–3360
Amount Awarded: $125,000

Funded Applicant: Lake County Housing Authority
33928 N Rt 45
Grayslake, IL 60030
Phone: (708) 223–1170
Amount Awarded: $18,985

Funded Applicant: Elgin Housing Authority
120 S State Street
Elgin, IL 60123
Phone: (708) 742–3853
Amount Awarded: $47,244

Funded Applicant: Evansville Housing Authority
P.O. Box 3605
Evansville, IN 47713
Phone: (812) 428–8500
Amount Awarded: $93,574

Funded Applicant: South Bend Housing Authority
P.O. Box 11057
South Bend, IN 46634–0057
Phone: (219) 235–9346
Amount Awarded: $107,528

Funded Applicant: Hammond Housing Authority
7329 Columbia Circle
Hammond, IN 46324–2819
Phone: (219) 853–6331
Amount Awarded: $58,840

Funded Applicant: Fort Wayne Housing Authority
P.O. Box 13489
Fort Wayne, IN 46803–3489
Phone: (219) 428–7800
Amount Awarded: $125,000

Funded Applicant: Prairie Band Potawatomi Indian Housing
Rt. 2, Box 49A 23
Mayetta, KS 66509
Phone: (913) 966–2756
Amount Awarded: $125,000

Funded Applicant: Atchison Housing Authority
7th & Mall Street
Atchison, KS 66002–2882
Phone: (913) 367–3323
Amount Awarded: $88,514

Funded Applicant: Housing Authority of Covington
P.O. Box 15279
Covington, KY 41015–0279
Phone: (606) 491–5311
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Bowling Green
P.O. Box 116
Bowling Green, KY 42101
Phone: (502) 843–6074
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Frankfort
590 Walter Todd Dr.
Frankfort, KY 40601
Phone: (502) 223–2148
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Hopkinsville
P.O. Box 437
Hopkinsville, KY 42240
Phone: (502) 887–4275
Amount Awarded: $98,953

Funded Applicant: Housing Authority of Louisville
420 South Eighth St.
Louisville, KY 40203
Phone: (502) 574–3420
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Fulton
200 N. Highland Dr.
Fulton, KY 42041
Phone: (502) 472–1115
Amount Awarded: $36,594

Funded Applicant: Housing Authority of East Baton Rouge Parish
4546 North Street
Baton Rouge, LA 70806–3422
Phone: (504) 923–8150
Amount Awarded: $123,051

Funded Applicant: Brookline Housing Authority
90 Longwood Ave.
Brookline, MA 02146
Phone: (617) 277–2022
Amount Awarded: $41,600

Funded Applicant: New Bedford Housing Authority
P.O. Box A–2081
New Bedford, MA 02741–2081
Phone: (508) 997–4800
Amount Awarded: $51,555

Funded Applicant: Gloucester Housing Authority
P.O. Box 1599
Gloucester, MA 01931–1599
Phone: (508) 283–1234
Amount Awarded: $38,520

Funded Applicant: Malden Housing Authority
P.O. Box 365
Malden, MA 02148–0365
Phone: (617) 322–9460
Amount Awarded: $79,108

Funded Applicant: Worcester Housing Authority
40 Belmont Street
Worcester, MA 01605
Phone: (508) 798–4500
Amount Awarded: $49,802

Funded Applicant: Lynn Housing Authority
174 South Common St.
Lynn, MA 01905–2513
Phone: (617) 592–1966
Amount Awarded: $125,000

Funded Applicant: Woburn Housing Authority
59 Campbell Street
Woburn, MA 01801
Phone: (617) 935–0818
Amount Awarded: $48,000

Funded Applicant: Chelsea Housing Authority
54 Locke Street
Chelsea, MA 02150–2209
Phone: (617) 884–5617
Amount Awarded: $125,000

Funded Applicant: Somerville Housing Authority
30 Memorial Rd.
Somerville, MA 02145
Phone: (617) 625–1152
Amount Awarded: $87,016

Funded Applicant: Cambridge Housing Authority
270 Green Street
Cambridge, MA 02139–3360
Phone: (617) 864–3020
Amount Awarded: $125,000

Funded Applicant: Boston Housing Authority
52 Chauncey St.
Boston, MA 02111–2302
Phone: (617) 451–1250
Amount Awarded: $125,000

Funded Applicant: Lowell Housing Authority
P.O. Box 60
Lowell, MA 01853–0060
Phone: (508) 937–3500
Amount Awarded: $125,000

Funded Applicant: Holyoke Housing Authority
475 Maple Street
Holyoke, MA 01040–3775
Phone: (413) 534–2220
Amount Awarded: $125,000

Funded Applicant: Calvert County Housing Authority
P.O. Box 2509
Prince Frederick, MD 20678
Phone: (410) 535–5010
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Frederick
209 Madison Street
Frederick, MD 21701
Phone: (301) 662–8173
Amount Awarded: $125,000

Funded Applicant: Housing Opportunity Commission, Montgomery
10400 Detrick Avenue
Kensington, MD 20895
Phone: (301) 933–9750
Amount Awarded: $125,000

Funded Applicant: Housing Authority Of Baltimore City
417 East Fayette Street
Baltimore, MD 21202
Phone: (410) 396–3232
Amount Awarded: $117,500

Funded Applicant: Pleasant Point Passamaquoddy Reservation
P.O. Box 339
Perry, ME 04667
Phone: (207) 853–6021
Amount Awarded: $125,000

Funded Applicant: Indian Township Passamaquoddy Reservation
P.O. Box 99
Princeton, ME 04668
Phone: (207) 796–8004
Amount Awarded: $124,999

Funded Applicant: Flint Housing Commission
3820 Richfield Road
Flint, MI 48506–2616
Phone: (810) 736–3050
Amount Awarded: $124,980

Funded Applicant: Muskegon Heights Housing Commission
615 East Hovey Ave
Muskegon Heights, MI 49444
Phone: (616) 733–2033
Amount Awarded: $29,000

Funded Applicant: Marquette Housing Commission
316 Pine Street
Marquette, MI 49855
Phone: (906) 226–7559
Amount Awarded: $50,985

Funded Applicant: Ann Arbor Housing Commission
727 Miller Avenue
Ann Arbor, MI 48103
Phone: (313) 994–2828
Amount Awarded: $66,550

Funded Applicant: Ypsilanti Housing Commission
601 Armstrong Drive
Ypsilanti, MI 48197–5224
Phone: (313) 482–4300
Amount Awarded: $125,000

Funded Applicant: Bay Mills Housing Authority
Route 1, Box 313
Brimley, MI 49715
Phone: (906) 248–5524
Amount Awarded: $121,800

Funded Applicant: Saginaw Chippewa Housing Authority
2451 Nish-Na-Be-Anong Rd.
Mt. Pleasant, MI 48858
Phone: (517) 773–4000
Amount Awarded: $18,831

Funded Applicant: Sault Ste. Marie Tribal Housing Authority
2218 Shunk Road
Sault Ste. Marie, MI 49783
Phone: (906) 635–4975
Amount Awarded: $125,000

Funded Applicant: Fond du Lac Lake Superior Band of Chippewa
932 Trettle Lane
Cloquet, MN 55720
Phone: (218) 879–0351
Amount Awarded: $125,000

Funded Applicant: Mille Lacs Reservation Housing Authority
HCR 67, Box 194
Onamia, MN 56359
Phone: (612) 532–3497
Amount Awarded: $125,000

Funded Applicant: Leech Lake Reservation Housing Authority
Route 3, Box 100
Cass Lake, MN 56633
Phone: (218) 335–8280
Amount Awarded: $125,000

Funded Applicant: Public Housing Agency of the City of Saint Paul
480 Cedar Street
St. Paul, MN 55101–2240
Phone: (612) 298–5664
Amount Awarded: $125,000

Funded Applicant: Red Lake Reservation Housing Authority
P.O. Box 219 Highway 1 E.
Red Lake, MN 56671
Phone: (218) 679–3368
Amount Awarded: $99,200

Funded Applicant: White Earth Reservation Housing Authority
P.O. Box 418
White Earth, MN 56591
Phone: (218) 983–3285
Amount Awarded: $125,000

Funded Applicant: Grand Portage Indian Housing Authority
P.O. Box 428, Hwy 61
Grand Portage, MN 55605
Phone: (218) 475–2653
Amount Awarded: $87,333

Funded Applicant: Kansas City Housing Authority
299 Paseo
Kansas City, MO 64106–2608
Phone: (816) 842–2440
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Columbia
301 N. Providence Rd
Columbia, MO 65203–4091
Phone: (314) 874–5181
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Lumberton
P.O. Box 192
Lumberton, MS 39455
Phone: (601) 796–8628
Amount Awarded: $69,243

Funded Applicant: Mississippi Band of Choctaw Indians
P.O. Box 6010 Choctaw Bra
Philadelphia, MS 39350
Phone: (601) 656–6617
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the Town of Richton
P.O. Box 1236
Richton, MS 39476–1236
Phone: (601) 788–6231
Amount Awarded: $42,576

Funded Applicant: Housing Authority of the City of Meridian
P.O. Box 870
Meridian, MS 39302–0870
Phone: (601) 693–4285
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Tupelo
P.O. Box 3
Tupelo, MS 38802–0003
Phone: (601) 842–5122
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Laurel
P.O. Box 2910
Laurel, MS 39442
Phone: (601) 425–4651
Amount Awarded: $125,000

Funded Applicant: Mississippi Regional Housing Authority No.
P.O. Box 2347
Gulfport, MS 39505–2347
Phone: (601) 863–6272
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Jackson
P.O. Box 11327
Jackson, MS 39283–1327
Phone: (601) 362–0885
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Vicksburg
P.O. Box 865
Vicksburg, MS 39181–0865
Phone: (601) 638–1661
Amount Awarded: $78,974

Funded Applicant: Housing Authority of the City of Columbus
P.O. Box 648
Columbus, MS 39703–0648
Phone: (601) 328–2711
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Corinth
P.O. Box 1003
Corinth, MS 38834–1003
Phone: (601) 287–1488
Amount Awarded: $112,750

Funded Applicant: Housing Authority of the City of Yazoo City
P.O. Box 128
Yazoo City, MS 39194–0128
Phone: (601) 746–2226
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Starkville
P.O. Box 795
Starkville, MS 39759
Phone: (601) 323–5536
Amount Awarded: $44,100

Funded Applicant: Fort Belknap Indian Housing Authority
Box 61
Harlem, MT 59526
Phone: (406) 353–2601
Amount Awarded: $97,000

Funded Applicant: Housing Authority of Billings
2415–1st Ave., North
Billings, MT 59101
Phone: (406) 245–6391
Amount Awarded: $103,210

Funded Applicant: Chippewa Cree Indian Housing Authority
P.O. Box 615
Box Elder, MT 59521
Phone: (406) 395–4370
Amount Awarded: $125,000

Funded Applicant: Northern Cheyenne Indian Housing Authority
P.O. Box 327
Lame Deer, MT 59043
Phone: (406) 477–8271
Amount Awarded: $125,000

Funded Applicant: Crow Tribal Indian Housing Authority
P.O. Box 99
Crow Agency, MT 59022
Phone: (406) 638–2665
Amount Awarded: $125,000

Funded Applicant: Blackfeet Indian Housing Authority
P.O. Box 790
Browning, MT 59417
Phone: (406) 883–5031
Amount Awarded: $124,981

Funded Applicant: Salish-Kootenai Indian Housing Authority
P.O. Box 38
Pablo, MT 59855
Phone: (406) 675–4491
Amount Awarded: $97,600

Funded Applicant: Housing Authority of Butte
Curtis & Arizona St.
Butte, MT 59701
Phone: (406) 782–6461
Amount Awarded: $119,986

Funded Applicant: Helena Housing Authority
812 Abbey
Helena, MT 59601
Phone: (406) 442–7970
Amount Awarded: $124,963

Funded Applicant: Housing Authority of the City of High Point
P.O. Box 1779
High Point, NC 27261
Phone: (910) 887–2661
Amount Awarded: $125,000

Funded Applicant: Statesville Housing Authority
433 S. Meeting St.
Statesville, NC 28677
Phone: (704) 872–9811
Amount Awarded: $125,000

Funded Applicant: Qualla Housing Authority
P.O. Box 1749
Cherokee, NC 28719–1749
Phone: (704) 497–9161
Amount Awarded: $125,000

Funded Applicant: City of Hickory Public Housing Authority
P.O. Box 2927
Hickory, NC 28603
Phone: (704) 328–5373
Amount Awarded: $33,480

Funded Applicant: Hendersonville Housing Authority
P.O. Box 1106
Hendersonville, NC 28793
Phone: (704) 891–4725
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Greensboro
P.O. Box 21287
Greensboro, NC 27420
Phone: (910) 275–8501
Amount Awarded: $125,000

Funded Applicant: Lexington Housing Authority
P.O. Box 1085
Lexington, NC 27293
Phone: (704) 249–8936
Amount Awarded: $121,180

Funded Applicant: Housing Authority of the City of Charlotte
P.O. Box 36795
Charlotte, NC 28236
Phone: (704) 336–5221
Amount Awarded: $125,000

Funded Applicant: Pembroke Housing Authority
P.O. Drawer 910
Pembroke, NC 28372
Phone: (910) 521–9711
Amount Awarded: $115,998

Funded Applicant: Thomasville Housing Authority
201 James Ave.
Thomasville, NC 27360–2426
Phone: (910) 475–6137
Amount Awarded: $101,120

Funded Applicant: Troy Housing Authority
201 Stanley St.
Troy, NC 27371
Phone: (910) 576–0611
Amount Awarded: $111,220

Funded Applicant: Housing Authority of the City of Winston-Salem
901 Cleveland Ave.
Winston-Salem, NC 27101
Phone: (910) 727–8500
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Greenville
P.O. Box 1426
Greenville, NC 27835–1426
Phone: (919) 830–4000
Amount Awarded: $125,000

Funded Applicant: Turtle Mountain Indian Housing Authority
P.O. Box 620
Belcourt, ND 58316
Phone: (701) 477–5673
Amount Awarded: $125,000

Funded Applicant: Standing Rock Indian Housing Authority
P.O. Box 484
Fort Yates, ND 58538
Phone: (701) 854–3891
Amount Awarded: $125,000

Funded Applicant: Fort Totten Indian Housing Authority
P.O. Box 187
Fort Totten, ND 58335
Phone: (701) 766–4131
Amount Awarded: $124,993

Funded Applicant: Scotts Bluff County Housing Authority
89A Woodley Park Rd.
Gering, NE 69341–1633
Phone: (308) 635–3815
Amount Awarded: $125,000

Funded Applicant: Omaha Housing Authority
540 South 27th St.
Omaha, NE 68105–1521
Phone: (402) 444–6900
Amount Awarded: $125,000

Funded Applicant: Santee Sioux Indian Housing Authority
Route 2
Niobrara, NE 68760
Phone: (402) 857–2656
Amount Awarded: $106,315

Funded Applicant: Dover Housing Authority
62 Whittier Street
Dover, NH 03820–2994
Phone: (603) 742–5804
Amount Awarded: $28,275

Funded Applicant: Camden Housing Authority
517 Market Street
Camden, NJ 08102–1293
Phone: (609) 968–6100
Amount Awarded: $125,000

Funded Applicant: Asbury Park Housing Authority
1000½ Third Ave
Asbury Park, NJ 07712–3847
Phone: (908) 774–2660
Amount Awarded: $125,000

Funded Applicant: Atlantic City Housing Authority
P.O. Box 1258
Atlantic City, NJ 08404–7549
Phone: (609) 344–1107
Amount Awarded: $124,974

Funded Applicant: Millville Housing Authority
122 East Main St.
Millville, NJ 08332–0803
Phone: (609) 825–8860
Amount Awarded: $30,000

Funded Applicant: Jersey City Housing Authority
400 U.S. Highway #1
Jersey City, NJ 07306–6731
Phone: (201) 547–6750
Amount Awarded: $116,883

Funded Applicant: East Orange Housing Authority
160 Halsted St.
East Orange, NJ 07018–4228
Phone: (201) 678–0250
Amount Awarded: $23,456

Funded Applicant: Perth Amboy Housing Authority
P.O. Box 390

Perth Amboy, NJ 08862–0390
Phone: (908) 826–3110
Amount Awarded: $120,498

Funded Applicant: Passaic Housing Authority
333 Passaic Street
Passaic, NJ 07055–5896
Phone: (201) 473–4900
Amount Awarded: $124,408

Funded Applicant: Paterson Housing Authority
160 Ward Street
Paterson, NJ 07505–1998
Phone: (201) 345–5080
Amount Awarded: $125,000

Funded Applicant: Orange Housing Authority
340 Thomas Blvd.
Orange, NJ 07050–4121
Phone: (201) 675–1250
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of T or C
108 South Cedar St.
Truth or Consequences, NM 87901
Phone: (505) 894–2244
Amount Awarded: $125,000

Funded Applicant: Laguna Pueblo Indian Housing Authority
P.O. Box 178
Old Laguna, NM 87026
Phone: (505) 552–6654
Amount Awarded: $50,720

Funded Applicant: Housing Authority of the County of Santa Fe
52 Camino de Jacobo
Santa Fe, NM 87505–9203
Phone: (505) 471–3903
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Las Vegas
420 North 10th St.
Las Vegas, NV 89101
Phone: (702) 386–2730
Amount Awarded: $125,000

Funded Applicant: Fallon Paiute Shoshone Indian Reservation
2055 Agency Road
Fallon, NV 89407
Phone: (702) 423–3321
Amount Awarded: $50,977

Funded Applicant: Walker River Indian Reservation
P.O. Box 238
Schurz, NV 89427
Phone: (702) 773–2334
Amount Awarded: $124,957

Funded Applicant: Syracuse Municipal Housing Authority
516 Burt Street
Syracuse, NY 13202–3999
Phone: (315) 475–6181
Amount Awarded: $125,000

Funded Applicant: Niagara Falls Housing Authority
744 Tenth Street
Niagara Falls, NY 14301–1852
Phone: (716) 285–6961
Amount Awarded: $124,990

Funded Applicant: Municipal Housing Authority of the City of Utica
509 Second Street
Utica, NY 13501–2450
Phone: (315) 735–5246
Amount Awarded: $125,000

Funded Applicant: Municipal Housing Authority of Schenectady
375 Broadway
Schenectady, NY 12305–2595
Phone: (518) 372–3346
Amount Awarded: $125,000

Funded Applicant: Kingston Housing Authority
202 Flatbush Avenue
Kingston, NY 12401–2630
Phone: (914) 338–4856
Amount Awarded: $28,684

Funded Applicant: Municipal Housing Authority for the City of Yonkers
P.O. Box 35
Yonkers, NY 10710–0035
Phone: (914) 793–8400
Amount Awarded: $125,000

Funded Applicant: Albany Housing Authority
4 Lincoln Square
Albany, NY 12202–1637
Phone: (518) 445–0711
Amount Awarded: $125,000

Funded Applicant: Buffalo Municipal Housing Authority
300 Perry Street
Buffalo, NY 14204–2299
Phone: (716) 855–6711
Amount Awarded: $125,000

Funded Applicant: Rochester Housing Authority
675 W. Main Street
Rochester, NY 14611–2744
Phone: (716) 328–6200
Amount Awarded: $125,000

Funded Applicant: Geneva Housing Authority
P.O. Box 153
Geneva, NY 14456–2319
Phone: (315) 789–8010
Amount Awarded: $125,000

Funded Applicant: Akwesasne Indian Housing Authority
P.O. Box 540, Route 37
Hogansburg, NY 13655
Phone: (518) 358–2272
Amount Awarded: $122,600

Funded Applicant: Youngstown Metropolitan Housing Authority
131 Boardman Street
Youngstown, OH 44503–1329
Phone: (216) 744–2161
Amount Awarded: $41,900

Funded Applicant: Dayton Metropolitan Housing Authority
400 Wayne Avenue
Dayton, OH 45410–1106
Phone: (513) 222–9907
Amount Awarded: $125,000

Funded Applicant: Cuyahoga Metropolitan Housing Authority
1441 W. 25th Street
Cleveland, OH 44113–3101
Phone: (216) 348–5000
Amount Awarded: $125,000

Funded Applicant: Akron Metropolitan Housing Authority
180 West Cedar St.
Akron, OH 44307–2546
Phone: (216) 762–9631
Amount Awarded: $98,490

Funded Applicant: Lucas Metropolitan Housing Authority
P.O. Box 477
Toledo, OH 43697–0477
Phone: (419) 259–9400
Amount Awarded: $125,000

Funded Applicant: Lorain Metropolitan Housing Authority
1600 Kansas Avenue
Lorain, OH 44052–2602
Phone: (216) 288–1600
Amount Awarded: $125,000

Funded Applicant: Stark Metropolitan Housing Authority
1800 W. Tuscarawas
Canton, OH 44708–4997
Phone: (216) 454–8051
Amount Awarded: $125,000

Funded Applicant: Zanesville Metropolitan Housing Authority
2746 Maple Avenue
Zanesville, OH 43701
Phone: (614) 454–8566
Amount Awarded: $125,000

Funded Applicant: Portsmouth Metropolitan Housing Authority
410 Court Street
Portsmouth, OH 45662
Phone: (614) 354–4547
Amount Awarded: $125,000

Funded Applicant: Cambridge Metropolitan Housing Authority
P.O. Box 744
Cambridge, OH 43725–0744
Phone: (614) 439–6651
Amount Awarded: $33,150

Funded Applicant: Allen Metropolitan Housing Authority
600 S. Main Street
Lima, OH 45804
Phone: (419) 228–6065
Amount Awarded: $124,854

Funded Applicant: Cincinnati Metropolitan Housing Authority
16 W. Central Pkwy
Cincinnati, OH 45210–1991
Phone: (513) 421–8190
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Shawnee
P.O. Box 3427
Shawnee, OK 74802–3427
Phone: (405) 275–6330
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Tulsa
P.O. Box 6369
Tulsa, OK 74148–0369
Phone: (918) 582–0021
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Norman
700 N. Berry Rd.
Norman, OK 73069–0000
Phone: (405) 329–0933
Amount Awarded: $118,357

Funded Applicant: Oklahoma City Housing Authority
1700 NE Fourth St.
Oklahoma City, OK 73117
Phone: (405) 239–7551
Amount Awarded: $125,000

Funded Applicant: Sac & Fox Nation of Oklahoma

P.O. Box 1252
Shawnee, OK 74802–1252
Phone: (405) 275–8200
Amount Awarded: $125,000

Funded Applicant: Absentee-Shawnee Indian Housing Authority
P.O. Box 425
Shawnee, OK 74801
Phone: (405) 273–1050
Amount Awarded: $125,000

Funded Applicant: Chickasaw Nation Indian Housing Authority
P.O. Box 668
Ada, OK 74821–0668
Phone: (405) 436–1560
Amount Awarded: $125,000

Funded Applicant: Comanche Housing Authority
216 S.E. "J" Avenue
Lawton, OK 73502
Phone: (405) 357–4956
Amount Awarded: $125,000

Funded Applicant: Choctaw Nation Indian Housing Authority
P.O. Drawer G
Hugo, OK 74743
Phone: (405) 326–7521
Amount Awarded: $125,000

Funded Applicant: Kiowa Housing Authority
P.O. Box 847
Anadarko, OK 73005
Phone: (405) 247–2417
Amount Awarded: $125,000

Funded Applicant: Delaware Housing Authority
#6 Delaware Acres, POB 33
Chelsea, OK 74016
Phone: (918) 789–2525
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Portland
135 SW Ash
Portland, OR 97204
Phone: (503) 228–2178
Amount Awarded: $125,000

Funded Applicant: HA and Community Services Agency of Lane
177 Day Island Rd
Eugene, OR 97401
Phone: (503) 687–3755
Amount Awarded: $125,000

Funded Applicant: Coquille Indian Housing Authority
P.O. Box 1435
Coos Bay, OR 97420
Phone: (503) 756–0662
Amount Awarded: $76,725

Funded Applicant: Housing Authority of the City of Salem
P.O. Box 808
Salem, OR 97308–0808
Phone: (503) 588–6368
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the County of Clackamas
13930 South Gain St
Oregon City, OR 97045
Phone: (503) 655–8267
Amount Awarded: $124,935

Funded Applicant: Umatilla Tribe Indian Housing Authority
P.O. Box 1658
Pendleton, OR 97801
Phone: (503) 276–7544
Amount Awarded: $125,000

Funded Applicant: Allentown Housing Authority
1339 Allen Street
Allentown, PA 18102–2143
Phone: (610) 439–8678
Amount Awarded: $125,000

Funded Applicant: Reading Housing Authority
400 Hancock Blvd.
Reading, PA 19611
Phone: (610) 775–4813
Amount Awarded: $125,000

Funded Applicant: Beaver County Housing Authority
300 State Avenue
Beaver, PA 15009–1798
Phone: (412) 775–1220
Amount Awarded: $125,000

Funded Applicant: Lycoming County Housing Authority
400 Lycoming Street
Williamsport, PA 17701–4976
Phone: (717) 323–3755
Amount Awarded: $45,000

Funded Applicant: Montgomery County Housing Authority
1875 New Hope Street
Norristown, PA 19401–3146
Phone: (215) 275–5720
Amount Awarded: $125,000

Funded Applicant: Shamokin Housing Authority
1 E. Independence St
Shamokin, PA 17872–5861
Phone: (717) 644–0431
Amount Awarded: $115,564

Funded Applicant: Allegheny County Housing Authority
341 Fourth Avenue
Pittsburgh, PA 15222
Phone: (412) 355–2172
Amount Awarded: $65,231

Funded Applicant: Pittsburgh Housing Authority
200 Ross St.
Pittsburgh, PA 15219–2068
Phone: (412) 456–5079
Amount Awarded: $62,266

Funded Applicant: Providence Housing Authority
100 Broad Street
Providence, RI 02903–4129
Phone: (401) 751–6400
Amount Awarded: $97,710

Funded Applicant: Housing Authority of Greenville
P.O. Box 10047
Greenville, SC 29605
Phone: (803) 467–4299
Amount Awarded: $124,998

Funded Applicant: Housing Authority of Beaufort
P.O. Box 1104
Beaufort, SC 29901–1104
Phone: (803) 525–7059
Amount Awarded: $120,083

Funded Applicant: Cheyenne River Indian Housing Authority
P.O. Box 480
Eagle Butte, SD 57625
Phone: (605) 964–4265
Amount Awarded: $124,957

Funded Applicant: Sisseton-Wahpeton Indian Housing Authority
P.O. Box 687
Agency Village, SD 57262
Phone: (605) 698–3901
Amount Awarded: $62,500

Funded Applicant: Rosebud Indian Housing Authority
P.O. Box 69
Rosebud, SD 57570
Phone: (605) 747–2203
Amount Awarded: $125,000

Funded Applicant: Yankton Sioux Indian Housing Authority
P.O. Box 426
Wagner, SD 57380
Phone: (605) 384–3171
Amount Awarded: $101,900

Funded Applicant: Lower Brule Indian Housing Authority
P.O. Box 183
Lower Brule, SD 57548
Phone: (605) 473–5522
Amount Awarded: $125,000

Funded Applicant: Elizabethton Housing and Development Agency
P.O. Box 369
Elizabethton, TN 37644–0369
Phone: (615) 543–3571
Amount Awarded: $125,000

Funded Applicant: Metropolitan Development & Housing Agency
P.O. Box 846
Nashville, TN 37202–0846
Phone: (615) 252–8410
Amount Awarded: $125,000

Funded Applicant: Weslaco Housing Authority
P.O. Box 95
Weslaco, TX 78596–0095
Phone: (210) 969–1538
Amount Awarded: $124,970

Funded Applicant: Mission Housing Authority
906 E. 8th Street
Mission, TX 78572
Phone: (210) 585–9747
Amount Awarded: $125,000

Funded Applicant: Smithville Housing Authority
100 Valley View Dr.
Smithville, TX 78957–0120
Phone: (512) 237–3245
Amount Awarded: $80,500

Funded Applicant: Housing Authority of Dallas
3939 N. Hampton Rd.
Dallas, TX 75212–0000
Phone: (214) 951–8300
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Odessa
P.O. Drawer 154
Odessa, TX 79760–0154
Phone: (915) 333–1088
Amount Awarded: $59,641

Funded Applicant: Housing Authority of Temple
P.O. Box 634
Temple, TX 76503–0634
Phone: (817) 773–2009
Amount Awarded: $71,000

Funded Applicant: Housing Authority of Abilene

P.O. Box 60
Abilene, TX 79604–0060
Phone: (915) 676–6394
Amount Awarded: $124,192

Funded Applicant: Housing Authority of the City of Orange
P.O. Box 3107
Orange, TX 77631–3107
Phone: (409) 883–5882
Amount Awarded: $117,600

Funded Applicant: Housing Authority of El Paso
P.O. Box 9895
El Paso, TX 79989–9895
Phone: (915) 532–5678
Amount Awarded: $125,000

Funded Applicant: Starr County Housing Authority
P.O. Box 50
Rio Grande City, TX 78582–0050
Phone: (210) 487–3216
Amount Awarded: $49,309

Funded Applicant: Housing Authority of McKinney
1200 N. Tennessee
McKinney, TX 75069–9977
Phone: (214) 542–5641
Amount Awarded: $96,743

Funded Applicant: Housing Authority of Lubbock
P.O. Box 2568
Lubbock, TX 79408–2568
Phone: (806) 762–1191
Amount Awarded: $120,069

Funded Applicant: Housing Authority of Waco
P.O. Box 978
Waco, TX 76703–0978
Phone: (817) 752–0324
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Fort Worth
P.O. Box 430
Fort Worth, TX 76101–0430
Phone: (817) 336–2419
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Houston
P.O. Box 2971
Houston, TX 77252–2971
Phone: (713) 260–0600
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Galveston
920 53rd Street
Galveston, TX 77551–1099
Phone: (409) 744–3641
Amount Awarded: $125,000

Funded Applicant: Alamo Housing Authority
P.O. Box 445
Alamo, TX 78516–0445
Phone: (210) 787–2352
Amount Awarded: $70,624

Funded Applicant: Beeville Housing Authority
P.O. Box 427
Beeville, TX 78104–0427
Phone: (512) 358–5865
Amount Awarded: $58,530

Funded Applicant: Edinburg Housing Authority
P.O. Box 295
Edinburg, TX 78540–0295
Phone: (210) 383–5653
Amount Awarded: $98,500

Funded Applicant: San Antonio Housing Authority
P.O. Drawer 1300
San Antonio, TX 78295–1300
Phone: (210) 220–3210
Amount Awarded: $124,728

Funded Applicant: Kingsville Housing Authority
P.O. Box 847
Kingsville, TX 78363
Phone: (512) 592–3547
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the County of Salt Lake
3595 South Main
Salt Lake City, UT 84115
Phone: (801) 284–4400
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Ogden
127–24th Street
Ogden, UT 84401–1340
Phone: (801) 627–5851
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Salt Lake City
1776 S.W. Temple
Salt Lake City, UT 84115
Phone: (801) 487–2161
Amount Awarded: $125,000

Funded Applicant: Danville Redevelopment & Housing Authority
P.O. Box 2669
Danville, VA 24541–0669
Phone: (804) 793–1222
Amount Awarded: $104,905

Funded Applicant: Portsmouth Redevelopment & Housing Authority
P.O. Box 1098
Portsmouth, VA 23705–1098
Phone: (804) 399–5261
Amount Awarded: $63,753

Funded Applicant: Norfolk Redevelopment & Housing Authority
P.O. Box 968
Norfolk, VA 23501–0968
Phone: (804) 623–1111
Amount Awarded: $125,000

Funded Applicant: Petersburg Redevelopment & Housing Authority
P.O. Box 311
Petersburg, VA 23804–0311
Phone: (804) 748–4649
Amount Awarded: $124,920

Funded Applicant: Cumberland Plateau Regional Housing Authority
P.O. Box 1328
Lebanon, VA 24266–1328
Phone: (703) 889–4910
Amount Awarded: $125,000

Funded Applicant: Alexandria Redevelopment & Housing Authority
600 North Fairfax St
Alexandria, VA 22314–2094
Phone: (703) 549–7115
Amount Awarded: $124,000

Funded Applicant: Newport News Redevelopment & Housing Authority
P.O. Box 77
Newport News, VA 23607–0077
Phone: (804) 247–9701
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Vancouver
500 Omaha Way
Vancouver, WA 98661
Phone: (206) 694–2501
Amount Awarded: $125,000

Funded Applicant: Makah Tribe Indian Housing Authority
P.O. Box 888
Neah Bay, WA 98357
Phone: (206) 645–2201
Amount Awarded: $125,000

Funded Applicant: Southern Puget Sound Indian Housing Authority
SE 11 Squaxin Drive
Shelton, WA 98584
Phone: (360) 426–4641
Amount Awarded: $62,498

Funded Applicant: Housing Authority of the City of Tacoma
902 South L Street
Tacoma, WA 98404–4699
Phone: (206) 475–1170
Amount Awarded: $125,000

Funded Applicant: HA of the City of Pasco and Franklin County
820 North 1st Avenue
Pasco, WA 99301–0687
Phone: (509) 547–3581
Amount Awarded: $86,765

Funded Applicant: Puyallup Indian Housing Authority
2002 E. 28th St.
Tacoma, WA 98404
Phone: (206) 272–2292
Amount Awarded: $123,376

Funded Applicant: Lummi Indian Housing Authority
2616 Kwina Road
Bellingham, WA 98226–8698
Phone: (360) 647–6295
Amount Awarded: $125,000

Funded Applicant: Quileute Tribe Indian Housing Authority
P.O. Box 279
La Push, WA 98350
Phone: (360) 374–6163
Amount Awarded: $95,000

Funded Applicant: Tulalip Indian Housing Authority
3107 Rueben Sheldon Dr.
Marysville, WA 98271
Phone: (360) 659–8427
Amount Awarded: $125,000

Funded Applicant: Housing Authority of Snohomish County
3425 Broadway
Everett, WA 98201–5023
Phone: (206) 743–4505
Amount Awarded: $117,044

Funded Applicant: Spokane Indian Housing Authority
P.O. 195
Wellpinit, WA 99040
Phone: (509) 258–4523
Amount Awarded: $48,000

Funded Applicant: Housing Authority of the City of Bremerton
P.O. Box 4460
Bremerton, WA 98312
Phone: (360) 479–3694
Amount Awarded: $46,242

Funded Applicant: Housing Authority of the City of Seattle

120 Sixth Avenue N
Seattle, WA 98109–5003
Phone: (206) 615–3545
Amount Awarded: $125,000

Funded Applicant: Yakima Nation Indian Housing Authority
P.O Box 156
611 So. Cama
Wapato, WA 98951
Phone: (509) 877–6171
Amount Awarded: $125,000

Funded Applicant: Colville Tribe Indian Housing Authority
P.O. Box 528
Nespelem, WA 99155
Phone: (509) 634–8869
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Milwaukee
P.O. Box 324
Milwaukee, WI 53202–3669
Phone: (414) 286–5678
Amount Awarded: $125,000

Funded Applicant: Ho-Chunk Housing Authority
P.O. Box 546
Tomah, WI 54660
Phone: (608) 374–1245
Amount Awarded: $125,000

Funded Applicant: Oneida Housing Authority
2913 Commissioner Street
Oneida, WI 54155
Phone: (414) 869–2227
Amount Awarded: $125,000

Funded Applicant: Superior Housing Authority
1219 North Eighth St
Superior, WI 54880–6699
Phone: (715) 394–6601
Amount Awarded: $125,000

Funded Applicant: Mohican Housing Authority
N8618 Oak Street
Bowler, WI 54416
Phone: (715) 793–4219
Amount Awarded: $125,000

Funded Applicant: Lac Courte Oreilles Housing Authority
Route 2, Hayward 2720
Hayward, WI 54843
Phone: (715) 634–2147
Amount Awarded: $124,979

Funded Applicant: Menominee Tribal Housing Authority
P.O. Box 459
Keshena, WI 54135–0459
Phone: (715) 799–3236
Amount Awarded: $125,000

Funded Applicant: Bad River Band of Lake Superior Chippewa
P.O. Box 57
Odanah, WI 54861
Phone: (715) 682–2271
Amount Awarded: $125,000

Funded Applicant: Lac du Flambeau Chippewa Housing Authority
P.O. Box 187
Lac du Flambeau, WI 54538–0187
Phone: (715) 588–3348
Amount Awarded: $117,939

Funded Applicant: Sokaogon Chippewa Housing Authority
P.O. Box 186
Crandon, WI 54520
Phone: (715) 478–2001
Amount Awarded: $125,000

Funded Applicant: Housing Authority of the City of Charleston
P.O. Box 86
Charleston, WV 25321
Phone: (304) 348–6451
Amount Awarded: $101,201

Funded Applicant: Housing Authority of the City of Huntington
P.O. Box 2183
Huntington, WV 25722–2183
Phone: (304) 526–4400
Amount Awarded: $125,000

[FR Doc. 96–5920 Filed 3–12–96; 8:45 am]
BILLING CODE 4210–33–P

[Docket No. FR–3875–N–02]

Office of the Assistant Secretary for Public and Indian Housing; Announcement of Funding Awards for Lead-Based Paint (LBP) Risk Assessments—Fiscal Year 1995

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year 1995 under the Lead-Based Paint Risk Assessments. This announcement contains the names and addresses of the awardees and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: William Flood, Director, Office of Capital Improvement, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4134, Washington, D.C. 20410, telephone (202) 708–1640 (this is not a toll-free number). Hearing- or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Pub. L. 102–139, approved October 28, 1991; at 105 Stat. 744) (1992 Appropriations Act) set aside of $25,000,000 of the $2,800,975,000 of budget authority available for modernization of existing public housing developments, for the risk assessment of lead-based paint. However, amounts actually available from the appropriated amount were reduced because conversions from Section 8 (U.S. Housing Act of 1937)-funded section 202 (Housing Act of 1959) direct loan projects to rental assistance-funded section 202 grant projects did not occur at the rate anticipated by Congress in the 1992 Appropriations Act.

In a Notice of Funding Availability (NOFA) published in the Federal Register on March 30, 1995 (60 FR 16560), the Department announced the availability of $8,052,535. Of this amount $3,848,879 is to be assigned to the housing authorities listed in Appendix A, leaving $4,203,655 to be rescinded. Applications were scored and selected for funding on the basis of selection criteria contained in that NOFA.

The purpose of the competition was to assist Public Housing Agencies and Indian Housing Authorities in conducting LBP risk assessments and in developing recommendations regarding in-place management (interim controls).

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is hereby publishing the names and addresses of the housing authorities which received funding; and the amount of funds awarded to each. This information is provided in Appendix A to this document.

Dated: March 6, 1996.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

APPENDIX A.—LEAD-BASED PAINT RISK ASSESSMENT AWARDEES FY 1995

Funding recipient (name and address)	Amount approved
Philadelphia Housing Authority, 2012 Chestnut Street, Philadelphia, PA. 19103	$2,356,200
Pittsburgh Housing Authority, 200 Ross Street, 9th Floor, Pittsburgh, PA. 15219	70,125
Puerto Rico Public Housing Authority, 606 Avendia Barbosa, 8th Floor, Rio Piedras, PR. 00936–3188	1,320,880
Saint Paul Public Housing Authority, Gilbert Building, 413 Wacouta Street, Room 350, Saint Paul, MN. 55101–1992	101,674

[FR Doc. 96–5921 Filed 3–12–96; 8:45 am]
BILLING CODE 4210–33–P

[Docket No. FR–3640–N–04]

Office of the Assistant Secretary for Public and Indian Housing; Announcement of Funding Awards for the Comprehensive Improvement Assistance Program—FY 1994

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for the Comprehensive Improvement Assistance Program (CIAP) for Fiscal Year 1994. The announcement contains the names and addresses of the competition awardees and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: William Flood, Director, Office of Capital Improvements, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4134, Washington, DC 20410, telephone (202) 708–1640. [This is not a toll-free number].

IHAs may contact Dom Nessi, Director, Office of Native American Programs, Department of Housing and Urban Development, 451 Seventh Street, SW, Room B–133, Washington, DC 20410, telephone (202) 755–0032. [This is not a toll-free number]. Hearing or speech impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Comprehensive Improvement Assistance Program is authorized by sec. 14, United States Housing Act of 1937 (42 U.S.C. 14371); Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

The objective of the Comprehensive Improvement Assistance Program (CIAP) is to provide funds to improve the physical condition and upgrade the management and operation of existing Public and Indian Housing projects to assure that they continue to be available to serve low-income families.

On April 19, 1994 (59 FR 18642), the Department published a NOFA in the Federal Register informing Public Housing Agencies and Indian Housing Authorities that own or operate fewer than 250 units of the availability of FY 1994 CIAP funding. The FY 1994 awards announced in this Notice were selected for funding consistent with the provisions of the NOFA.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, the Department is hereby publishing, in this notice, the names and addresses of the PHAs and IHAs that received funding awards under the FY 1994 CIAP NOFA, and the amount of the awards. This information is set forth in Appendix A to this notice.

Dated: March 6, 1996.

Michael B. Janis,

General Deputy Assistant Secretary of Public and Indian Housing.

Appendix A

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS—

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
ABBEVILLE, P.O. Box 546, Abbeville, GA 31001–0306	$450,050
ABBEVILLE, 544 Branch Street, Abbeville, SC 29620–1947	677,500
ABBEVILLE, P.O. Box 435, Abbeville, LA 70510–0435	197,335
ABERDEEN, 104 S. Lincoln St., Aberdeen, SD 57401	964,130
ABILENE, P.O. Box 60, Abilene, TX 79604–0060	67,440
AHOSKIE, P.O. Box 1195, Roanoke Rapids, NC 27870	200,000
AINSWORTH HSG AUTH., P.O. Box 153, Ainsworth, NE 69210	40,000
AITKIN COUNTY, 215 Third Street SE., Aitkin, MN 56431–1799	160,000
ALAMEDA CITY, 701 Atlantic Ave., Alameda, CA 94501	286,855
ALAMEDA COUNTY, 22941 Atherton St., Hayward, CA 94541–6613	332,300
ALAMO, P.O. Box 445, Alamo, TX 78516–0445	353,742
ALAMOGORDO, P.O. Box 336, Alamogordo, NM 88310–0336	565,988
ALAMOSA, P.O. Box 328, Alamosa, CO 81101–0328	146,965
ALBA, P.O. Box 219, Alba, TX 75410–0219	154,700
ALBANY, 200 Harvest St., Albany, KY 42602	70,000
ALBEMARLE, P.O. Drawer 1367, Albemarle, NC 28002	127,900
ALBERTVILLE, P.O. Box 1126, Albertville, AL 35950	197,900
ALBIA, City Hall, Albia, IA 52531	114,400
ALBION, P.O. Box 630, Albion, MI 49224	2575,000
ALBION HSG AUTH., 827 W. Columbia, Albion, NE 68620–1575	5,000
ALEXANDRIA, 805 Fillmore Street, Alexandria, MN 56308–1770	477,400
ALICE, P.O. Box 1407, Alice, TX 78333–1407	110,556
ALLEGANY CO HSNG AUTH., 701 Furnace Street Ext., Cumberland, MD 21502	200,200
ALLEN HA, 600 S. Main Street, Lima, OH 45804	60,000
ALLIANCE HSG AUTH., 300 S. Potash St. 27, Alliance, NE 69301	270,159
ALMA HSG AUTH., P.O. Box 546, Alma, NE 68920–0546	75,000
ALPENA HC, 2340 S. Fourth St., Alpena, MI 49707–3027	350,000
AMERICAN FALLS HA, P.O. Box 327, American Falls, ID 83211	860,000
AMHERST HA, 33 Kellogg Avenue, Amherst, MA 01002	30,000
AMORY, P.O. Box 439, Amory, MS 38821	156,025
ANACORTES, 719 Q Ave., Anacortes, WA 98221–4128	527,000
ANDALUSIA, 231 Murphree Dr., Andalusia, AL 36420	282,205
ANDERSON, 1335 East River St., Anderson, SC 29624	364,910
ANDREWS, 101–C Whitaker St., Andrews, NC 28901	65,400
ANGOLA HA, 617 N. Williams St., Angola, IN 46703	100,000
ANSLEY HSG AUTH., Box 415, Ansley, NE 68814–0303	20,000

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
ANTLERS, 105 NW 3rd St., Antlers, OK 74523–2260	316,685
APACHE, P.O. Box 337, Apache, OK 73006–0337	140,353
APPLETON HA (LR), 525 North Oneida St., Appleton, WI 54911–4749	301,340
ARANSAS PASS, 254 N. 13th St., Aransas Pass, TX 78336	46,830
ARCADIA, P.O. Box 1248, Arcadia, FL 33821–1248	347,725
ARCADIA, P.O. Box 210, Arcadia, LA 71001–0210	17,335
ARTESIA, P.O. Box 1326, Artesia, NM 88210–1326	90,000
ASHBURN, 412 South Gordon St., Ashburn, GA 31714–0579	752,935
ASHEBORO, P.O. Box 609, Asheboro, NC 27204	217,350
ASHFORD, 100 Bruner Street, Ashford, AL 36312	453,557
ASHLAND, Route 3, Box 25, Ashland, AL 36251	533,470
ASOTIN CO., 1212 Fair St., Clarkston, WA 99403–2229	203,500
ATCHISON, 103 S Seventh St., Atchison, KS 66002–2882	530,000
ATHENS HA, 10 Hope Drive, Athens, OH 45701	166,400
ATLANTA, P.O. Box 1183, Atlanta, TX 75551–1183	544,100
ATLANTIC BEACH, 2303 Leonard Avenue, Conway, SC 29527	57,500
ATOKA, P.O. Box 1050, Atoka, OK 74525–1050	110,545
ATWOOD, 801 S Third Street, Atwood, KS 67730	28,000
AUBURN HA, P.O. Box 3037, Auburn, ME 04210–3037	261,000
AUBURN HSG AUTH., 1017 H St., Auburn, NE 68305	75,000
AUGUSTA, 620 Osage St., Augusta, KS 67010–1245	45,000
AURORA, P.O. Box 526, Aurora, MO 65605–1757	380,000
AVERY, P.O. Box 68, Avery, TX 75554–0068	140,800
AVINGER, P.O. Box 250, Avinger, TX 75630–0250	297,710
AVON PARK, P.O. Box 1327, Avon Park, FL 33825–1327	263,500
AYDEN, P.O. Box 482, Ayden, NC 28513	200,000
BAGLEY, Route 3, Box 118, Bagley, MN 56621	312,004
BAR HARBOR HA, Post Office Box 28, Bar Harbor, ME 04609	191,000
BARAGA, 416 Michigan Ave., Baraga, MI 49908	311,000
BARBOURVILLE, P.O. Box 69, Barbourville, KY 40906	620,000
BARTLETT, P.O. Box 371, Bartlett, TX 76511–0371	47,000
BARTOW, P.O. Box 1413, Bartow, FL 33830	394,385
BASTROP, P.O. Box 707, Bastrop, TX 78602–0707	377,566
BATH HA, 80 Congress Ave., Bath, ME 04530–1517	150,000
BAY CITY, 3012 Sycamore St., Bay City, TX 77414	47,000
BAY MINETTE, 400 South St., Bay Minette, AL 36507	641,506
BAYARD, P.O. Box 768, Bayard, NM 88023–0768	60,000
BAYTOWN, 805 Nazro St., Baytown, TX 77520	1,020,386
BEAVER CITY, P.O. Box 1670, Beaver, UT 84713	15,000
BEAVER DAM, 3030 James Ct., Beaver Dam, KY 42320	150,000
BECKLEY, P.O. Box 1780, Beckley, WV 25802–1780	215,420
BEEMER HSG AUTH., 400 Blaine Street, Beemer, NE 68716	72,000
BEEVILLE, P.O. Box 427, Beeville, TX 78104–0427	398,020
BELLEVUE HSG AUTH., 8214 Armstrong Cir., Omaha, NE 68147	180,000
BELMAR HA, 710 Eighth Ave., Belmar, NJ 07719–2739	127,000
BELMONT, P.O. Box 984, Belmont, NC 28012	140,000
BELOIT CDA, 100 State Street, Beloit, WI 53511–5299	127,955
BENICIA, 28 Riverhill Dr., Benicia, CA 94510	1,067,155
BENKELMAN HSG AUTH., Rural Route 2, Benkelman, NE 69021	100,000
BENNINGTON HA, 10 Willow Road, Bennington, VT 05201–1730	49,000
BENSON, P.O. Box 26, Benson, NC 27504	373,810
BENSON, 300 13th Street N., Benson, MN 56215–1257	246,300
BENTON, 101 Walnut Ct., Benton, KY 42025	30,000
BENWOOD, 2200 Marshall Street, Benwood, WV 26031	70,000
BERKELEY HA, 44 Frederick Dr., Bayville, NJ 08721–1706	1,649,500
BERKS CO HSNG AUTH., 1803 Butter Lane, Reading, PA 19606	320,400
BERNIE HA, P.O. Box Drawer 210, Bernie, MO 63822–0210	74,060
BERWICK, P.O. Box 231, Berwick, LA 70342–0231	360,000
BESSEMER, P.O. Box 46, Bessemer, MI 49911–0033	548,000
BETHANY, 100 Eastwood Terrace, Bethany, MO 64424–0448	105,000
BEVERLY HA, P.O. Box 503, Beverly, MA 01915–0503	815,000
BIG SANDY, P.O. Box 657, Big Sandy, TX 75755–0657	145,050
BIRD CITY, P.O. Box 46, Bird City, KS 67731–0046	103,000
BLADENBORO, P.O. Box 339, Bladenboro, NC 28320	116,000
BLAIR CO., P.O. Box 167, Hollidaysburg, PA 16648	809,200
BLAIR HSG AUTH., 758 S. 16th St., Blair, NE 68008	200,000
BLAKELY, HWY. #200, Blakely, GA 31723–0149	551,200
BLOOMFIELD HA, P.O. Box 801, Bloomfield, IN 47424–0801	2,748,500
BLOUNTSVILLE, P.O. Box 172, Guntersville, AL 35976–0172	169,263
BLUE EARTH, 220 East Seventh St., Blue Earth, MN 56013–2001	460,000

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
BLUE EARTH COUNTY, P.O. Box 3368, Mankato, MN 56002–3368	197,300
BLUE HILL HSG AUTH., P.O. Box 476, Blue Hill, NE 68930	72,000
BLUE RIDGE, Rt. 3, BOX 3226, Bldg. G1, Blue Ridge, GA 30513–0088	53,500
BLUEFIELD, P.O. Box 1475, Bluefield, WV 24701–1800	507,251
BOGATA, P.O. Box 10, Bogata, TX 75417–0010	266,475
BOISE CITY HA, 680 Cunningham Pl., Boise, ID 83702	421,000
BOLEY, P.O. Box 25, Boley, OK 74829–0025	232,543
BOLIVAR, 621 Hatchie Haven, Bolivar, TN 38008	399,533
BOND COUNTY HA, 220 E. Winter St., Greenville, IL 62246	659,880
BOONTON HA, 125 Chestnut St., Boonton, NJ 07005–3761	784,902
BOONVILLE HA, 506 Powell Ct., Boonville, MO 65233–1521	205,600
BORGER, 903 Parkway, Borge, TX 79007–4343	577,292
BOSTON, 216 South College St., Thomasville, GA 31792–6432	98,294
BOSTON, P.O. Box 175, Brilliant, AL 35548–0175	490,100
BOULDER COUNTY, P.O. Box 471, Boulder, CO 80306–0471	396,380
BOURNE HA, 871 Shore Road, Pocasset, MA 02559	65,000
BOWLING GREEN HA, 510 W. Champ Clark, Bowling Green, MO 63334–2015	125,700
BRACKETTVILLE, P.O. Box 371, Brackettville, TX 78832–0371	169,586
BRAHAM, 409 W. Central Drive, Braham, MN 55006–9774	656,346
BRANTLEY, P.O. Box 32, Brantley, AL 36009	424,005
BREAUX BRIDGE, P.O. Box 878, Breaux Bridge, LA 70517–0878	300,000
BREMEN, P.O. Box 776, Bremen, GA 30110–2160	1,464,240
BREMOND, P.O. Box A, Bremond, TX 76629	80,000
BREVARD, 69 W. Morgan St., Brevard, NC 28712	200,000
BREWER HA, One Colonial Cir., Brewer, ME 04412	321,000
BRIDGEPORT, P.O. Drawer A–10, Bridgeport, AL 35740	103,220
BRIDGEPORT, P.O. Box 486, Bridgeport, TX 76426–0486	71,300
BRILLION HA, P.O. Box 40, Brillion, WI 54110–0040	311,000
BRINKLEY, 501 W. Cedar St., Brinkley, AR 72021–2713	307,980
BRISTOL HA, P.O. Box 535, Bristol, RI 02809–0535	260,000
BRISTOW, 1110 S. Chestnut, Bristow, OK 74010–3708	309,961
BROKEN BOW HSG AUTH., 825 S. Ninth Ave., Broken Bow, NE 68822–0504	40,000
BROOKFIELD, P.O. Box 467, Brookfield, MO 64628–0335	137,000
BROOKSVILLE, 800 Continental Dr., Brooksville, FL 34601	5,000
BROWNSVILLE, P.O. Box 194, Brownsville, TN 38012–0194	428,177
BRUCE HA, P.O. Box 65, Bruce, WI 54819–0065	257,940
BRUNSWICK HA, Post Office Box A, Brunswick, ME 04011–2725	233,000
BURLINGTON HA, 800 Walnut Street, Burlington, NJ 08016	40,000
BURNET, P.O. Box 56, Burnet, TX 78611–0056	86,410
BURRTON, 460 E. Adams, Burrton, KS 67020–0481	40,000
BURWELL HSG AUTH., P.O. Box 490, Burwell, NE 68823–0490	200,000
BUTLER METROPOLITAN H.A., P.O. Box 357, Hamilton, OH 45012–0357	50,657
CACHE, P.O. Box 582, Cache, OK 73527–0582	340,507
CADIZ, P.O. Box 830, Cadiz, KY 42211	20,000
CAIRO HSG AUTH., P.O. Box 337, Cairo, NE 68824	40,000
CALDWELL, P.O. Box 596, Caldwell, TX 77836–0596	28,800
CALDWELL PARISH, 729 Alvin St., Columbia, LA 71418	350,000
CALVERT CO HSNG AUTH., P.O. Box 2509, Prince Frederick, MD 20678	200,000
CAMBRIDGE HSG AUTH., P.O. Box 484, Cambridge, NE 69022	50,000
CAMBRIDGE HSNG AUTH., 700 Weaver Ave., Cambridge, MD 21613–2198	163,890
CAMBRIDGE MHA, P.O. Box 744, Cambridge, OH 43725–0744	182,875
CAMERON, 902 Cedar Circle Dr., Cameron, MO 64429–1136	245,000
CAMPBELL HA, 930 Poplar, Campbell, MO 63933–1834	284,200
CANTON HA, 37 Riverside Dr., Canton, NY 13617–1046	815,680
CANYON, P.O. Box 513, Canyon, TX 79015–0513	101,850
CARBON CO HSNG AUTH., 215 S First St., Lehighton, PA 18235	132,200
CARRIZO SPRINGS, 207 N. Fourth St., Carrizo Springs, TX 78834	74,705
CARROLLTON, 107 N. Monroe, Carrollton, MO 64633–1351	5,000
CARTHAGE, Box 3, Carthage, AR 71725–0003	152,225
CASS COUNTY HA, P.O. Box 92, Beardstown, IL 62618–0092	131,700
CATLETTSBURG, 210 24th St., Catlettsburg, KY 41129	680,000
CATSKILL HA, P.O. Box 362, Catskill, NY 12414–0362	1,255,870
CENTER, 1600 Sweetgum Trail, Center, TX 75935	142,750
CENTERVILLE, P.O. Box 746, Centerville, TX 75833–0055	450,000
CENTRE, P.O. Box 733, Boaz, AL 35957	827,060
CHAFFEE HA, P.O. Box 215, Chaffee, MO 63740–1209	1,023,692
CHARITON, 429 S. Main, Chariton, IA 50049–2556	50,300
CHATSWORTH, 1311–19 Old Dawson, Chatsworth, GA 30705–0019	139,060
CHEBOYGAN, P.O. Box 5069, Cheboygan, MI 49721	850,000
CHERAW, P.O. Drawer 969, Florence, SC 29503–0969	206,500

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
CHESTER, Post Office Box 773, Chester, SC 29706–0773	148,793
CHILDERSBURG, P.O. Box 396, Childersburg, AL 35044–0396	129,554
CHILLICOTHE, 320 Park Ln., Chillicothe, MO 64601–1549	160,000
CHIPLEY, P.O. Box 388, Chipley, FL 32428–0388	432,300
CHURCH POINT, P.O. Drawer 313, Church Point, LA 70525–0313	280,000
CIRHA, 1111 Ninth St., Des Moines, IA 50314	92,250
CLAREMONT HA, 243 Broad St., Claremont, NH 03743–2674	265,000
CLARKSON HSG AUTH., P.O. Box 359, Clarkson, NE 68629	52,000
CLARKSVILLE, P.O. Box 621, Clarksville, TX 75426–0621	834,250
CLARKSVILLE, Box 407, Clarksville, AR 72830–0407	590,314
CLARKTON, P.O. Box 339, Bladenboro, NC 28320	92,400
CLARKTON HA, P.O. Box 367, Clarkton, MO 63837–0367	495,200
CLAY CENTER, 330 W. Court, Clay Center, KS 67432	57,000
CLAYTON, P.O. Box 1271, Clayton, GA 30525	75,000
CLEMENTON HA, 22 Gibbsboro Rd., Clementon, NJ 08021–4034	2,272
CLEVELAND, 801 S. Franklin St., Cleveland, TX 77327	10,500
CLINTON, 825 McAdoo Street, Clinton, TN 37716–3199	1,226,480
CLINTON, 215 6th Avenue So., Clinton, IA 52732	15,700
CLINTON, 7 Bradshaw Dr., Clinton, MO 64735–2513	8,000
CLINTON HA, 58 Fitch Road, Clinton, MA 01510	150,000
CLINTON TOWNSHIP HC, 34947 Village Road, Clinton Township, MI 48035	150,000
COLBY, 600 S Mission Ridge Ave., Colby, KS 67701–0980	295,000
COLERIDGE HSG AUTH., P.O. Box 96, Coleridge, NE 68727–0096	60,000
COLUMBIA, 100 Bruner Street, Ashford, AL 36312	253,000
COLUMBIA CO HSNG AUTH., 37 W. Main St., Bloomsburg, PA 17815–1702	141,850
COLUMBIA HEIGHTS, 590 Fortieth Ave. NE, Columbia Heights, MN 55421	76,377
COMER, P.O. Box 157, Comer, GA 30629–0187	158,700
COMMERCE, 426 Tarter Apts., Commerce, TX 75428–3217	1,408,965
CONCORD, P.O. Box 308, Concord, NC 28026	423,900
COOPER, 650 NW. First St., Cooper, TX 75432–1119	650,500
CORDOVA, P.O. Box 396, Cordova, AL 35550	211,415
CORNING, P.O. Box 22, Corning, IA 50841–0022	100,000
CORRIGAN, 600 S. Home St., Corrigan, TX 75939	490,000
COSHOCTON HA, P.O. Box 721, Coshocton, OH 43812	245,950
COTULLA, 101 Kerr St., Cotulla, TX 78014–0534	73,256
COVENTRY HA, 14 Manchester Cir., Coventry, RI 02816–4498	60,000
COZAD HSG AUTH., 421 W. Ninth St., Cozad, NE 69130	70,000
CRAWFORDVILLE, P.O. Box 117, Crawfordville, GA 30631–0117	29,100
CREIGHTON HSG AUTH., R.R. 1, Box A 41, Creighton, NE 68729	100,000
CROOKSTON, 110 Sargent Street, Crookston, MN 56716	117,620
CROSBY, 300 Third Avenue NE, Crosby, MN 56441	87,800
CROSSVILLE, P.O. Box 723, Boaz, AL 35957	180,300
CUBA, P.O. Box 2230, Cuba, NM 87013–2230	14,000
CUERO, P.O. Box 804, Cuero, TX 77954–0804	784,668
CUMBERLAND, 5 Russell Dr., Cumberland, KY 40823	100,000
CUMBERLAND CO HSNG AUTH., 114 N Hanover St., Carlisle, PA 17013–2407	110,813
CUMBERLAND COUNTY HA, P.O. Box 160, Toledo, IL 62468–0475	940,105
CUMBERLAND HA, 1295 Sixth Avenue, Cumberland, WI 54829–9131	96,050
CUMBY, P.O. Box 707, Cumby, TX 75433–0707	93,750
CUMMING, P.O. Box 36, Cumming, GA 30130	112,220
CURTIS HSG AUTH., R.R. 3 Box 525, Curtis, NE 69025–0525	100,000
DADEVILLE, 845 Freeman Dr., Dadeville, AL 36853	500,000
DARLINGTON, Post Office Box 1440, Darlington, SC 29532–1440	193,500
DAVENPORT, 501 W. Third St., Davenport, IA 52801	300,000
DAVID CITY HSG AUTH., 1125 Third St., David City, NE 68632–1271	100,000
DAYTON, 2502 N. Winfree St., Dayton, TX 77535	15,000
DEFOREST HA, 509 North Main St., DeForest, WI 53532–1160	291,855
DEFUNIAK SPRINGS, 120 Oerting Drive, DeFuniak Springs, FL 32433	317,310
DELAND, 300 Sunflower Circle, DeLand, FL 32724–5556	87,000
DEMOPOLIS, P.O. Drawer 730, Demopolis, AL 36732–0730	28,030
DEPERE HA, 850 Morning Glory Ln., DePere, WI 54115–1300	923,900
DEPORT, P.O. Box 317, Deport, TX 75435–0317	333,800
DEQUINCY, P.O. Box 126, DeQuincy, LA 70633–0126	325,000
DESHLER HSG AUTH., P.O. Box 146, Deshler, NE 68340	200,000
DETROIT, P.O. Box 139, Detroit, TX 75436–0139	333,200
DEVINE, 210 S. Upson, Devine, TX 78016	84,985
DEWITT, Box 447, DeWitt, AR 72042–0447	718,024
DEXTER HA, P.O. Box 206, Dexter, MO 63841–0206	95,100
DICKSON, 333 Martin Luther King Blvd., Dickson, TN 37055	1,005,933
DONALDSONVILLE, 1501 St. Patrick St., Donaldsonville, LA 70346	390,000

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
DONNA, P.O. Box 667, Donna, TX 78537–0667	161,505
DOUGLAS, 120 S. Fifth St., Douglas, WY 82633	30,000
DOVER HA, 215 E. Blackwell St., Dover, NJ 07801–4142	150,000
DRUMRIGHT, P.O. Box 1242, Drumright, OK 74030–1242	572,625
DUBLIN, 22941 Atherton St., Hayward, CA 94541–6613	50,000
DUMAS, Box 115, Dumas, AR 71639–0115	262,000
DUNBAR, 900 Dutch Hollow Rd., Dunbar, WV 25064	479,800
DUNEDIN, 209 South Garden Ave., Clearwater, FL 34616	300,000
DUNKIRK HA, 15 N. Main St., Dunkirk, NY 14048–1731	687,463
DUNN, P.O. Box 1028, Dunn, NC 28334	279,200
E CARROLL PARISH LOW RENT, P.O. Drawer 352, Lake Providence, LA 71254–0352	180,000
EAST GREENWICH HA, 146 First Ave., East Greenwich, RI 02818–3003	90,000
EAST PRAIRIE HA, 529 N. Lincoln, East Prairie, MO 63845–1116	227,480
EATONTON, P.O. Box 3700, Eatonton, GA 31024–0072	360,000
ECORSE HC, 266 Hyacinth Street, Ecorse, MI 48229–1699	880,000
EDCOUCH, P.O. Box 92, Edcouch, TX 78538–0092	62,440
EDEN, P.O. Drawer P, Eden, TX 76837–0000	84,200
EDGAR HSG AUTH., P.O. Box 266, Edgar, NE 68935–0266	60,000
EDGEWOOD, P.O. Box 25, Edgewood, TX 75117–0025	374,420
EDNA, P.O. Box 698, Edna, TX 77957–0698	204,837
EIRHA, P.O. Box 1140, Dubuque, IA 52004–1140	75,000
ELBERTON, 12 North McIntosh St., Elberton, GA 30635–1552	515,750
ELGIN, P.O. Box 206, Elgin, TX 78621–0206	299,490
ELOY, P.O. Box 637, Eloy, AZ 85231–0637	695,400
ELSA, P.O. Box 98, Elsa, TX 78543–0098	216,611
ELY, 114 N. 8th Ave. #111, Ely, MN 55731	257,000
ENGLEWOOD HA, 111 West St., Englewood, NJ 07631–2340	100,000
ENTERPRISE, Nell Court Office, Enterprise, AL 36330	259,648
ERATH, P.O. Box 315, Erath, LA 70533–0315	270,000
ERIE CO., 380 Sciota St., Corry, PA 16407	665,000
ERWIN, 750 Carolina Ave., Erwin, TN 37650–1062	45,250
ESPANOLA, P.O. Drawer PP, Espanola, NM 87532	680,000
ESSEX, Southview Village, Essex, IA 51638	44,500
EUNICE, P.O. Box 1755, Eunice, NM 88231–1755	30,000
EUNICE, P.O. Box 224, Eunice, LA 70535–0224	390,000
EUSTIS, 1000 Wall Street, Eustis, FL 32726	300,000
EVANSDALE, 119 Morrell Court, Evansdale, IA 50707	275,000
EXCELSIOR SPRINGS, 320 W Excelsior St., Excelsior Springs, MO 64024–2173	320,000
EXETER HA, 277 Water St., Exeter, NH 03833–1719	125,290
FAIRBURY HSG AUTH., 105 W. Fifth St., Fairbury, NE 68352	50,000
FAIRFIELD MHA, 1506 Amherst Place, Lancaster, OH 43130	200,000
FAIRMONT, 517 Fairmont Avenue, Fairmont, WV 26554	529,700
FAIRMONT, P.O. Box 661, Fairmont, NC 28340	125,900
FALFURRIAS, P.O. Box 357, Falfurrias, TX 78355–0357	72,475
FALMOUTH HA, 115 Scranton Avenue, Falmouth, MA 02540–3560	175,000
FARMERSVILLE, 303 S. Washington, Farmersville, TX 75442	157,975
FARMVILLE, P.O. Box 282, Farmville, NC 27828	225,000
FAYETTE, P.O. Box 266, Fayette, AL 35555–0266	38,000
FERRIDAY, 3001 Hwy. 15, Ferriday, LA 71334	380,000
FITCHBURG HA, 50 Day Street, Fitchburg, MA 01420–3374	205,000
FLAGLER COUNTY, P.O. Box 188, Bunnell, FL 32110–0188	802,351
FLORENCE, 124 E 9th St., Florence, KS 66851–1163	13,000
FLORENCE HA, 620 W. Third & Eyre St., Florence, NJ 08518–1122	349,500
FLORESVILLE, 1401 Standish St., Floresville, TX 78114–0006	36,795
FLOYDADA, 210 E. California, Floydada, TX 79235–2829	59,625
FORD COUNTY HA, 214 E 7th St., Gibson City, IL 60936	99,000
FOREST, P.O. Box 677, Forest, MS 39074	380,000
FOREST CITY, A204 Spruce St., Forest City, NC 28043	250,000
FOREST LAKE, 7 NE Fifth Avenue, Forest Lake, MN 55025–1233	281,885
FORT COLLINS, 1715 W. Mountain Ave., Ft. Collins, CO 80521	899,190
FORT DEPOSIT, 100 Spring Rd., Troy, AL 36081	953,250
FORT GAINES, P.O. Box 216, Fort Gaines, GA 31751–0208	158,700
FORT MADISON, 1102 48th St., Fort Madison, IA 52627–4611	183,360
FORT MILL, 105 Bozeman Drive, Fort Mill,SC 29715–2503	299,949
FORT OGLETHORPE, P.O. Box 2034, Fort Oglethorpe, GA 30742–0034	39,000
FRANKFORT, 590 Walter Todd Dr., Frankfort, KY 40601	1,250,000
FRANKLIN, P.O. Box 413, Franklin, TX 77856–0413	90,000
FRANKLIN HA, 1 Parkside St., Somerset, NJ 08873–3797	405,000
FRANKLIN RHA, P.O. Box 267, Franklin, VA 23851–0267	1,933,126
FREDERIC HA, 104 Third Ave South, Frederic, WI 54837–8901	128,500

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
FRIEND HSG AUTH., 1027 Second St., Friend, NE 68359–1145	50,000
FROSTBURG HSNG AUTH., Meshach Frost Village, Frostburg, MD 21532	81,410
FRUITVALE, P.O. Box 196, Fruitvale, TX 75127–0196	168,450
FT. WALTON BEACH, 27 Robinwood Dr. SW, Fort Walton Beach, FL 32548–5394	394,500
GARDEN CITY, 606 Pershing, Garden City, KS 67846–0499	340,000
GEAUGA MHA, 385 Center Street, Chardon, OH 44024	875,600
GENEVA HA, P.O. Box 153, Geneva, NY 14456–2319	286,701
GEORGIANA, P.O. Box 279, Georgiana, AL 36033	194,510
GILBERT, 120 Ohio Ave W., Gilbert, MN 55741	859,000
GILCHRIST COUNTY, P.O. Box 38, Bronson, FL 32621–0038	155,300
GILMER, P.O. Box 397, Gilmer, TX 75644–0397	543,799
GLADEWATER, P.O. Box 1009, Gladewater, TX 75647–1009	412,200
GLASGOW, Box 1126, Glasgow, MT 59230	605,000
GLASSBORO HA, 737 Lincoln Blvd., Glassboro, NJ 08028–0563	1,703,500
GLASTONBURY HA, 25 Risley Rd., Glastonbury, CT 06033	20,000
GLENARDEN, 8639 Glenarden Parkway, Glenarden, MD 20801	220,000
GLENDALE, 6842 N. 61st Ave., Glendale, AZ 85301–3199	292,110
GLENS FALLS HA, Stichman Towers, Glens Falls, NY 12801–4515	732,231
GLENWOOD, Box 237, Glenwood, GA 30428–0237	65,700
GLENWOOD, 507 SE Fifth Street, Glenwood, MN 56334	478,000
GLOUCESTER CITY HA, 101 Market St., Gloucester City, NJ 08030–2047	350,000
GOLIAD, RR. 3, Box 401, Goliad, TX 77963–0401	152,030
GORMAN, P.O. Box 711, Gorman, TX 76454–0711	85,890
GOTHENBURG HSG AUTH., 810 20th St., Gothenburg, NE 69138–0035	75,000
GRAFTON, 131 East Main Street, Grafton, WV 26345–1365	590,300
GRAND SALINE, P.O. Box 24, Grand Saline, TX 75140–0024	768,320
GRANDFALLS, P.O. Box 250, Grandfalls, TX 79742–0250	55,825
GRANDFIELD, P.O. Box 749, Grandfield, OK 73546–0749	112,715
GRANT CO., 1139 Larson Blvd., Moses Lake, WA 98837–3308	700,000
GRANTSBURG HA, 213 West Burnett Ave., Grantsburg, WI 54840–7809	78,500
GRAPELAND, P.O. Box 568, Grapeland, TX 75844–0568	270,000
GREAT NECK HA, VILLAGE, 700 Middle Neck Rd., Great Neck, NY 11023–1242	87,500
GREELEY HSG AUTH., P.O. Box 219, Greeley, NE 68842	80,000
GREEN BAY HA, 100 N Jefferson St., Green Bay, WI 54301–5026	1,556,650
GREENLEAF, 300 Hillcrest Ln., Greenleaf, KS 66943	51,000
GREENVILLE, P.O. Box 83, Greenville, GA 30222–0083	66,000
GREENWOOD, Post Office Box 973, Greenwood, SC 29648–0973	303,000
GREER, 103 School Street, Greer, SC 29651–3437	100,000
GREGORY, P.O. Box 206, Gregory, TX 78359–0206	39,740
GRESHAM HSG AUTH., P.O. Box 224, Gresham, NE 68367	55,000
GROVETON, P.O. Box 747, Groveton, TX 75845–0747	482,000
GRUNDY COUNTY HA, 1700 Newton Pl., Morris, IL 60450	92,500
GUIN, P.O. Box 712, Guin, AL 35563–0712	178,800
GUNTER, P.O. Box 56, Gunter, TX 75058–0056	86,800
GUTHRIE, 1524 E. Perkins, Guthrie, OK 73044–0020	24,200
HAILEYVILLE, 615 Wichita Ave., Hartshorne, OK 74547–4832	35,530
HALE CENTER, P.O. Box 487, Hale Center, TX 79041–0487	99,150
HALTOM CITY, 2800 Moneda Ave., Haltom City, TX 76117–4220	392,350
HAMLET, P.O. Box 1188, Hamlet, NC 28345	160,163
HARDIN COUNTY HA, P.O. Box 322, Elizabethtown, IL 62931–0322	46,100
HARLAN, P.O. Box 855, Harlan, KY 40831	320,000
HARRISON MHA, P.O. Box 146, Cadiz, OH 43907–0146	26,750
HARTSHORNE, 615 Wichita Ave., Hartshorne, OK 74547–4832	105,696
HARTSVILLE, P.O. Drawer 1678, Hartsville, SC 29550–1678	268,571
HARTWELL, 500 W. Franklin Pl., Hartwell, GA 30643–0745	671,130
HAVRE DE GRACE HSNG AUTH., 101 Stansbury Ct., Havre de Grace, MD 21078–2641	182,945
HAY SPRINGS HSG AUTH., Box 188, Hay Springs, NE 69347	100,000
HAYS, 1709 Sunset Trl., Hays, KS 67601–2656	17,000
HAYTI HEIGHTS HA, 100 N. Martin Luther King, Hayti Heights, MO 63851–9664	33,250
HEARNE, 809 W. Davis St., Hearne, TX 77859–2878	22,200
HEMINGFORD HSG AUTH., P.O. Box 576, Hemingford, NE 69348	70,000
HENDERSON, 817 W. Main, Henderson, TX 75652–3054	632,070
HERTFORD, 104 White Street, Hertford, NC 27944	325,000
HIDALGO COUNTY, 1800 N. Texas Blvd., Weslaco, TX 78596	178,680
HIGGINSVILLE, 419 Fairground Ave., Higginsville, MO 64037–1760	65,000
HIGHLANDS HA, 215 Shore Dr., Highlands, NJ 07732–2122	138,644
HIGHTSTOWN HA, 131 Rogers Ave., Hightstown, NJ 08520–3725	900,000
HILL CITY, 905 N Third St., Hill City, KS 67642–1439	24,000
HILLSDALE HA, P.O. Box 23886, St. Louis, MO 63121–0508	37,250
HOBART, 329 S. Lincoln St., Hobart, OK 73651–4027	385,000

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
HOBSON CITY, 800 Armstrong St., Hobson City, AL 36201	85,144
HOCKING MHA, 50 S. High Street, Logan, OH 43138	200,000
HOGANSVILLE, P.O. Box 127, Hogansville, GA 30230	294,300
HOHENWALD, 323 Mill Street, Hohenwald, TN 38462–1515	109,259
HOLCOMB HA, P.O. Box 78, Holcomb, MO 63852–0078	34,320
HOLLY SPRINGS, P.O. Box 550, Holly Springs, MS 38635	266,646
HOMERVILLE, P.O. Box 416, Homerville, GA 31634	85,100
HONEY GROVE, P.O. Box 191, Honey Grove, TX 75446–0191	211,000
HOPKINS, 1010 First Street S., Hopkins, MN 55343–2724	70,600
HORNELL HA, 87 E. Washington St., Hornell, NY 14843–1643	615,690
HORTON, 1701 Euclid Ave., Horton, KS 66439	175,000
HOUSTON HA, 200 Chestnut Terrace, Houston, MO 65483–1929	200,500
HOWARD, P.O. Box 386, Howard, KS 67349–0386	12,000
HOXIE, 925 Eighth St., Hoxie, KS 67740–0746	25,000
HUDSON HA, 41 N. Second St., Hudson, NY 12534–2415	569,850
HUGHES SPRINGS, P.O. Box 717A, Hughes Springs, TX 75656–0717	271,450
HUGO, P.O. Box 727, Hugo, OK 74743–0727	940,297
HUMBOLDT, P.O. Box 66, Humboldt, KS 66748–0066	60,000
HUMBOLDT HSG AUTH., P.O. Box 642, Humboldt, NE 68376	80,000
HUNTINGTON, P.O. Drawer 427, Huntington, TX 75949–0427	350,000
HUNTINGTON HA, TOWN, 1 Alowndes Ave., Huntington Station, NY 11746–1223	159,950
HUNTSVILLE, 299 Avenue F, Box 1, Huntsville, TX 77340	125,000
HUTCHINSON, 133 Third Avenue SW., Hutchinson, MN 55350–2469	272,650
IDABEL, P.O. Box 838, Idabel, OK 74745–0838	131,000
IDAHO HOUSING AGENCY, P.O. Box 7899, Boise, ID 83702	248,000
INDIANOLA HSG AUTH., P.O. Box K, Indianola, NE 69034	75,000
INGHAM COUNTY, 3882 Dobie Rd., Okemos, MI 48864	567,000
INGLESIDE, P.O. Drawer Z, Ingleside, TX 78362	175,916
IOWA, P.O. Drawer 700, Iowa, LA 70647–0700	330,000
IRONWOOD, 515 East Vaughn St., Ironwood, MI 49938	352,000
IRVINE, 200 Wallace Ct., Irvine, KY 40336	135,000
ISLAND CO., 7 NW 6th St., Coupeville, WA 98239–0156	60,000
JACKSON HA, P.O. Box 619, Wellston, OH 45692	400,000
JAMESTOWN HA, P.O. Box 464, Jamestown, RI 02835–0464	570,000
JAMESTOWN HA, Hotel Jamestown, Jamestown, NY 14701–5199	930,900
JEFFERSON, 610 N. Cass St., Jefferson, TX 75657–1516	290,500
JEFFERSON CITY, 942 E. Ellis Street, Jefferson City, TN 37760–2699	990,363
JEFFERSON COUNTY, 801 Vine St., Louisville, KY 40204	450,000
JEFFERSON COUNTY, 6025 W. 38th Avenue, Wheatridge, CO 80033	459,522
JELLICO, P.O. Box 240, Jellico, TN 37762–0240	579,990
JENNINGS, P.O. Box 921, Jennings, LA 70546–0921	385,000
JERSEY COUNTY HA, 505 Horn Drive, Jerseyville, IL 62052	1,203,312
JETMORE, P.O. Box 547, Jetmore, KS 67854–0547	88,000
JO DAVIESS COUNTY HA, P.O. Box 205, Galena, IL 61036–0205	23,490
JOHNSON CITY, P.O. Box 177, Johnson City, TX 78636–0177	23,415
JOHNSTON HA, 8 Forand Circle, Johnston, RI 02919–6243	240,000
JONESBORO, 804 South Gee Street, Jonesboro, AR 72401	795,600
JUDSONIA, Box 549, Judsonia, AR 72081–0549	74,240
JULESBURG, P.O. Box 48, Julesburg, CO 80737	11,600
KANAWHA COUNTY, P.O. Box 3826, Charleston, WV 25338	351,750
KEARNEY HSG AUTH., 2715 Avenue I, Kearney, NE 68847–3769	450,000
KEENE HA, 105 Castle St., Keene, NH 03431–3334	325,000
KENDALLVILLE HA, 240 Angling Rd., Kendallville, IN 46755	332,483
KENEDY, P.O. Box 627, Kenedy, TX 78119–0627	93,325
KENNER, 1013 31st St., Kenner, LA 70065	258,338
KEOKUK, 111 S. Second St., Keokuk, IA 52632–5818	551,000
KERSEY, P.O. Box 117, Kersey, CO 80644	8,900
KILLEEN, P.O. Box 125, Killeen, TX 76541–0125	329,750
KINDER, P.O. Box 808, Kinder, LA 70648–0808	122,775
KINGSFORD, 1025 Woodward Ave., Kingsford, MI 49801	995,000
KINGSTON HA, 202 Flatbush Ave., Kingston, NY 12401–2630	372,700
KINGSTREE, P.O. Box 1017, Lake City, SC 29560	90,950
KINGSVILLE, P.O. Box 847, Kingsville, TX 78363	428,196
KIRBYVILLE, 310 W. Levert St., Kirbyville, TX 75956	15,000
KITSAP CO., 9265 Bayshore Dr. NW., Silverdale, WA 98383–9106	23,000
KITTITAS CO., 107 W. 11th, Ellensburg, WA 98926–2568	733,963
KLAMATH COUNTY HA, P.O. Box 5110, Klamath Falls, OR 97601–0140	44,000
KNOTT COUNTY, P.O. Box 225, Hindman, KY 41822	100,000
KNOXVILLE, 305 S. Third St., Knoxville, IA 50138–2287	22,400
KONAWA, P.O. Box 186, Konawa, OK 74849–0186	53,940

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
KYLE, P.O. Box 130, Kyle, TX 78640–0130	41,667
LA GRANGE, 250 NW. Circle, La Grange, TX 78945	101,601
LA JOYA, P.O. Box 1409, La Joya, TX 78560–1409	280,000
LACONIA HA, 25 Union Ave., Laconia, NH 03246–3558	379,000
LAFAYETTE COUNTY HA, 626 Main Street, Darlington, WI 53530–1397	150,720
LAKE ANDES, P.O. Box 187, Lake Andes, SD 57356	488,800
LAKE ARTHUR, P.O. Drawer R, Lake Arthur, LA 70549	237,080
LAKE MHA, 200 West Jackson St., Painesville, OH 44077	532,250
LAKE PROVIDENCE, 210 Foster St., Lake Providence, LA 71254	250,000
LAKE WALES, P.O. Box 426, Lake Wales, FL 33859–0426	120,000
LAKEWOOD, 445 So. Allison Pkwy., Lakewood, CO 80226–3105	1,858,580
LANCASTER, Post Office Box 1235, Lancaster, SC 29720–1235	296,742
LAPEER HC, 576 Liberty Park, Lapeer, MI 48446–2141	230,000
LAVONIA, P.O. Box 4, Lavonia, GA 30553–0004	233,000
LAWRENCE COUNTY, Rt. 2, Ray Williams, Louisa, KY 41230	71,500
LAWRENCEVILLE, 502 Glenn Edge Drive, Lawrenceville, GA 30245	1,330,500
LEBANON, 100 Sunset Terrace, Lebanon, KY 40033	300,000
LEBANON, P.O. Box 1660, Lebanon, MO 65536–3062	632,496
LEE COUNTY HA, 14170 Warner Cir. NW., Ft. Myers, FL 33903	149,215
LEE COUNTY HA, 1000 Washington Ave., Dixon, IL 61202	105,200
LEEDS, P.O. Box 513, Leeds, AL 35094–0513	414,250
LEESVILLE, 213 Blackburn Ave., Leesville, LA 71446	400,000
LENOIR, P.O. Box 1526, Lenoir, NC 28645	273,000
LEONARD, P.O. Box 160, Leonard, TX 75452–0160	65,690
LEVELLAND, P.O. Box 1425, Levelland, TX 79336–1425	35,100
LEXINGTON, P.O. Box 559, Lexington, TN 38351	92,126
LEXINGTON HA, 1 Countryside Village, Lexington, MA 02173	70,000
LEXINGTON HSG AUTH., 609 East Third, Lexington, NE 68850	221,000
LIBERAL, 1401 N. New York Ave., Liberal, KS 67901	165,000
LICKING MHA, P.O. Box 1029, Mansfield, OH 44901	85,000
LIMON, Route 2, Box OH, Limon, CO 80828	889,200
LINCOLN, P.O. Box 6, Lincoln, KS 67455	100,000
LINCOLN COUNTY, P.O. Box 1470, Newport, OR 97365	700,000
LINCOLN PARK HC, 1356 Electric, Lincoln Park, MI 48146–2320	60,000
LINCOLNTON, P.O. Box 753, Lincolnton, NC 28093	276,869
LINDEN, P.O. Box 390, Linden, TX 75563–0390	538,100
LINDSBORG, P.O. Box 427, Lindsborg, KS 67456–0427	470,000
LINEVILLE, P.O. Box 455, Lineville, AL 36266–0455	322,125
LITCHFIELD, 122 West Fourth St., Litchfield, MN 55355–2108	67,800
LIVINGSTON, 1102 N. Pine Ave., Livingston, TX 77351	341,000
LIVONIA HC, 19300 Purlingbrook, Livonia, MI 48152–1902	750,000
LOCKHART, P.O. Box 446, Lockhart, TX 78644–0446	176,490
LODI HA, Devries Park, Lodi, NJ 07644–3201	373,250
LOGAN COUNTY HA, 1028 N. College St., Lincoln, IL 62656	1,038,000
LOGAN COUNTY MHA, 116 N. Everett St., Bellefontaine, OH 43311	119,500
LOMITA, 24300 Narbonne Ave., Lomita, CA 90717	749,000
LONDON MHA, 179 S. Main Street, London, OH 43140	150,400
LONE TREE, Route 1, Lone Tree, IA 52755	45,000
LONG PRAIRIE, 601 Central Avenue, Long Prairie, MN 56347	76,787
LOUISVILLE, P.O. Box 175, Louisville, MS 39339–0175	381,907
LOUP CITY HSG AUTH., P.O. Box 153, Loup City, NE 68853	50,000
LOVELAND, 2105 Maple Dr., Loveland, CO 80538	267,389
LULING, P.O. Box 229, Luling, TX 78648–0229	91,020
LUMBERTON, P.O. Box 192, Lumberton, MS 39455	449,500
LUSK, P.O. Box 117, Lusk, WY 82225	93,370
LUVERNE, P.O. Box 311, Luverne, AL 36049–0311	217,980
LYONS, 215 S. Bell, Lyons, KS 67554–2801	173,000
LYONS HSG AUTH., RR 2, Box 20A, Lyons, NE 68038–9701	100,000
MACON HA, #218 Lakeview Towers, Macon, MO 63552–9801	293,890
MADERA, 205 N. G St., Madera, CA 93637	1,000,000
MADISON, P.O. Box 550, Monroe, GA 30655–0550	1,193,100
MADISON, P.O. Box 9, Madison, NC 27025	178,864
MADISONVILLE, 601 S. Madison St., Madisonville, TX 77864	28,400
MALDEN HA, P.O. Box 395, Malden, MO 63863–0395	202,500
MALHEUR COUNTY HA, 959 Fortner St., Ontario, OR 97914	877,082
MANCHESTER, 850 Warm Springs Rd., Manchester, GA 31816–2113	492,100
MANISTIQUE, 400 E. Lakeshore Dr., Manistique, MI 49854	895,000
MANNING, 421 Center St., Manning, IA 51455	73,000
MARCELINE, P.O. Box 127, Marceline, MO 64658–0127	87,000
MARIANNA, 2912 Albert Street, Marianna, FL 32448–7709	260,700

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
MARION, 102 Cahaba Heights, Marion, AL 36756	224,455
MARION, 1501 E. Lawrence, Marion, KS 66861–1111	71,000
MARKSVILLE, 100 N. Hillside Dr., Marksville, LA 71351	320,000
MARSHALL, P.O. Box 176, Marshall, NC 28753	200,000
MARSHALL, 202 N. First Street, Marshall, MN 56258–1884	420,000
MARSHALL, P.O. Box 609, Marshall, TX 75671–0609	451,150
MARSHALL, 275 S. Redman, Marshall, MO 65340–2264	470,000
MARTIN, P.O. Box 806, Martin, KY 41649	125,000
MASON COUNTY HA, 200 E. Hurst, Havana, IL 62644–0442	691,100
MASSAC COUNTY HA, P.O. Box 528, Metropolis, IL 62960–0528	410,000
MAUD, P.O. Box 487, Maud, TX 75567–0487	146,875
MAUSTON HA, 208 Monroe Street, Mauston, WI 53948–1134	64,450
MAXTON, P.O. Box 126, Maxton, NC 28364	100,000
MAYFIELD, P.O. Box 474, Mayfield, KY 42066	550,000
MAYNARD HA, Powder Mill Circle, Maynard, MA 01754	76,000
MCCAYSVILLE, P.O. Box 199, McCaysville, GA 30555–0247	289,000
MCGREGOR, 300 Johnson Dr., McGregor, TX 76657–1165	207,150
MCKEAN CO., 410 E. Water Street, Smethport, PA 16749	718,621
MCMECHEN, 2200 Marshall Street, Benwood, WV 26031	51,500
MCRAE, P.O. Drawer 430, McRae, GA 31055–0430	61,350
MEADE COUNTY, 1220 Cedar St., Sturgis, SD 57785	325,700
MEDWAY HA, Mahan Circle, Medway, MA 02053–2010	35,000
MEEKER COUNTY, 840 North 3rd Street, Dassel, MN 55325	94,100
MEMPHIS HA, P.O. Box 246, Memphis, MO 63555–0246	314,540
MENARD COUNTY HA, P.O. Box 0176, Petersburg, IL 62675–0176	10,000
MENDOCINO COUNTY, 1076 N. State St., Ukiah, CA 95482	319,440
MENOMONIE HA, P.O. Box 296, Menomonie, WI 54751–0296	114,000
MERKEL, P.O. Box 417, Merkel, TX 79536–0417	51,325
METHUEN HA, 24 Mystic Street, Methuen, MA 01844	150,000
METTER, P.O. Box 207, Metter, GA 30439–0207	105,675
MIAMI METROPOLITAN H.A., 1695 Troy-Sidney Rd., Troy, OH 45373–9743	725,858
MILLINGTON, P.O. Box 55, Millington, TN 38083–0055	1,718,304
MILTON, 1498B Byrom St., Milton, FL 32570–3827	125,000
MINDEN, 1209 East St., Minden, LA 71055	350,000
MINDEN HSG AUTH., P.O. Box 13, Minden, NE 68959–0013	100,000
MINEOLA, P.O. Box 458, Mineola, TX 75773–0458	404,000
MINGO COUNTY, P.O. Box 2239, Williamson, WV 25661	27,000
MINNEAPOLIS, P.O. Box 207, Minneapolis, KS 67467–0207	245,000
MISSION, 906 E. 8th St., Mission, TX 78572	85,470
MONROE HA, 800 13th Avenue, Monroe, WI 53566–1461	260,250
MONTEZUMA, P.O. Box 67, Montezuma, GA 31063–1724	1,910,840
MONTICELLO, P.O. Box 347, Monticello, KY 42633	231,000
MONTICELLO HA, 76 Evergreen Dr., Monticello, NY 12701–1630	397,900
MONTOUR CO HSNG AUTH., 1 Beaver Pl., Danville, PA 17821–1001	67,700
MOORESVILLE, P.O. Box 1087, Mooresville, NC 28115	50,000
MOOSE LAKE, 205 Elm Avenue, Moose Lake, MN 55767	247,542
MORGAN MHA, 4512 N. State Rt 376, McConnelsville, OH 43756	500,000
MORGANTOWN, P.O. Box 628, Morgantown, KY 42261	20,000
MORRIS, 100 S. Columbia Ave., Morris, MN 56267–0438	383,875
MORRIS COUNTY HA, 99 Ketch Rd., Morristown, NJ 07960–3115	285,465
MOULTON, P.O. Box 546, Moulton, AL 35650–0546	36,000
MOUND BAYOU, P.O. Box 565, Mound Bayou, MS 38762–0565	71,585
MOUNT HOLLY, 635 Noles Road, Mount Holly, NC 28120	77,350
MOUNT HOPE, Mid-Town Terrace, Mt. Hope, WV 25880	120,400
MOUNT KISCO HA, 200 Carpenter Ave., Mount Kisco, NY 10549–1602	295,500
MOUNT PLEASANT, Box 130, Mount Pleasant, AR 72561–0130	176,867
MOUNTAIN GROVE HA, 301 W. First St., Mountain Grove, MO 65711–1610	102,920
MOUNTAIN PARK, P.O. Box 157, Mountain Park, OK 73559–0157	25,300
MT. PLEASANT, P.O. Box 1051, Mount Pleasant, TX 75456–1051	884,500
MT. STERLING, P.O. Box 245, Mount Sterling, KY 40353	650,000
MT. VERNON, P.O. Box 639, Mount Vernon, TX 75457–0639	506,175
MULBERRY, 200 NW. 3rd Avenue, Mulberry, FL 33860–2314	215,000
MULLINS, Post Office Box 766, Mullins, SC 29574	169,250
MURPHY, P.O. Box 357, Murphy, NC 28906	200,000
MUSCATINE, City Hall, Muscatine, IA 52761–3899	195,000
MUSKEGON, 1080 Terrace St., Muskegon, MI 49442	800,000
NACOGDOCHES, 715 Summit Street, Nacogdoches, TX 75961	195,700
NAMPA HA, 1703 Third St. N., Nampa, ID 83651	260,000
NAPLES, P.O. Box 100, Naples, TX 75568–0100	581,825
NARRAGANSETT HA, P.O. Box 388, Narragansett, RI 02882–0388	125,000

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
NAUGATUCK HA, 16 Ida St., Naugatuck, CT 06770	100,000
NE OREGON HA, P.O. Box 3357, La Grande, OR 97850	300,000
NEBRASKA CITY HSG AUTH., 200 N. Third St., Nebraska City, NE 68410–0111	225,000
NEEDHAM HA, 28 Robert Cook Drive, Needham, MA 02194	37,517
NELIGH HSG AUTH., 500 P St., Neligh, NE 68756–1455	30,000
NEOSHO, 321 S. Hamilton St., Neosho, MO 64850–1864	290,000
NEVADA, 1117 N. West St., Nevada, MO 64772–0541	550,000
NEW BOSTON, P.O. Box 806, New Boston, TX 75570–0806	601,125
NEW IBERIA, 325 North St., New Iberia, LA 70560	285,000
NEW LONDON HA, 78 Walden Ave., New London, CT 06320–0119	300,000
NEW MADRID HA, 550 Line St., New Madrid, MO 63869–1736	359,250
NEWBERN, P.O. Box 100, Newbern, TN 38059	1,432,906
NEWBURGH HA, P.O. Box 89, Newburgh, NY 12550–3601	575,000
NEWBURYPORT HA, 25 Temple Street, Newburyport, MA 01950–2713	245,000
NEWCASTLE, P.O. Box 68, Newcastle, TX 76372–0068	21,500
NEWKIRK, P.O. Box 316, Newkirk, OK 74647–0316	89,635
NEWMAN GROVE HSG AUTH., P.O. Box 100, Newman Grove, NE 68758–0100	75,000
NEWMARKET HA, 34 Gordon Ave., Newmarket, NH 03857	225,000
NEWTON, P.O. Box 247, Camilla, GA 31730	390,654
NEWTON, P.O. Box 130, Newton, AL 36352–0153	73,620
NEWTON, P.O. Box 626, Newton, TX 75966–0626	20,000
NEWTON HA, 425 Watertown Street, Newtonville, MA 02160	995,000
NICEVILLE, 500 Boyd Circle, Niceville, FL 32578	127,300
NICODEMUS, R.R. 2, Box 135–0, Nicodemus, KS 67625–9801	90,000
NILES, 251 Cass Street, Niles, MI 49120	1,037,000
NIOBRARA HSG AUTH., P.O. Box 198, Niobrara, NE 68760–0198	50,000
NIRHA, 217 Second St. SW., Mason City, IA 50401	129,300
NOBLE MHA, P.O. Box 744, Cambridge, OH 43725–0744	19,000
NOEL, P.O. Box 305, Noel, MO 64854–0305	227,000
NOGALES, P.O. Box 777, Nogales, AZ 85628–0777	157,812
NORMAN, 700 N. Berry Rd., Norman, OK 73069–0000	1,474,695
NORTH ANDOVER HA, One Morkeski Meadows, North Andover, MA 01845–2710	100,000
NORTH CHICAGO HA, 1440 Jackson St., North Chicago, IL 60064	167,900
NORTH NEWTON, P.O. Box 377, North Newton, KS 67117–0377	48,000
NORTH PROVIDENCE HA, 947 Charles St., North Providence, RI 02904–5654	553,049
NORTH WILKESBORO, P.O. Box 1373, North Wilkesboro, NC 28659	250,000
NORTHAMPTON HA, 49 Old South Street, Northampton, MA 01060	1,317,000
NORWICH HA, 10 Westwood Park, Norwich, CT 06360–6699	175,000
NORWICH HA, 13 Brown St., Norwich, NY 13815–1823	834,400
NORWOOD HA, 301 W. First St., Mountain Grove, MO 65711–1610	58,430
OAKDALE, P.O. Drawer B.Q., Oakdale, LA 71463	340,000
OAKLAND HSG AUTH., 100 N. Aurora Ave., Oakland, NE 68045–1510	75,000
OBERLIN, 202 N. Elk, Oberlin, KS 67749–1829	94,000
OCEAN CITY HA, 204 Fourth St., Ocean City, NJ 08226–3906	908,360
OCILLA, P.O. Box 147, Ocilla, GA 31774–1206	211,000
OCONTO HA, 407 Arbutus Avenue, Oconto, WI 54153–1600	103,000
ODESSA, P.O. Drawer 154, Odessa, TX 79760–0154	192,000
OGLE COUNTY HA, 407 N. Union Ave., Polo, IL 61064	65,257
OIL CITY, P.O. Box 206, Oil City, LA 71061–0206	330,000
OKOLONA, P.O. Box 190, Okolona, MS 38860	747,400
OLATHE, P.O. Box 768, Olathe, KS 66061–0768	76,000
OLD TOWN HA, P.O. Box 404, Old Town, ME 04468–0404	557,250
OLTON, P.O. Box 651, Olton, TX 79064–0651	64,225
OMAHA, P.O. Box 667, Omaha, TX 75571–0667	478,850
ONAWA, 1017 Eleventh St., Onawa, IA 51040–1555	261,000
ONEONTA, #1 Hillcrest Circle, Oneonta, AL 35121	83,000
ORANGE COUNTY, 205 Vidor Dr., Orange, TX 77630	45,000
ORD HSG AUTH., Parkview Village, Ord, NE 68862	250,000
ORMOND BEACH, P.O. Box 998, Ormond Beach, FL 32175–0998	18,510
OSBORNE, P.O. Box 404, Osborne, KS 67473–0404	60,000
OSHKOSH HSG AUTH., Route 1 Mesa Vue #21, Oshkosh, NE 69154	100,000
OVERTON, 220 W. Ward St., Overton, TX 75684–1004	475,350
OXFORD, P.O. Box 616, Oxford, NC 27565	354,760
PAGEDALE HA, P.O. Box 23886, St. Louis, MO 63121–0580	36,000
PALACIOS, 45 Seashell, Palacios, TX 77465–0899	18,600
PAOLA, 310 S. Iron, Paola, KS 66071–1615	76,000
PARIS, P.O. Box 468, Paris, KY 40361	639,000
PARIS, P.O. Box 688, Paris, TX 75461–0688	368,000
PARK FALLS HA, 1175 South Third Ave., Park Falls, WI 54552–1850	117,400
PARKERSBURG, 1901 Cameron Avenue, Parkersburg, WV 26101–9316	222,600

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
PARMA MHA, 6901 W. Ridgewood Dr., Parma, OH 44129	34,640
PARRISH, P.O. Box 9, Parrish, AL 35580–0009	50,000
PARSONS, 1900 Belmont, Parsons, KS 67357–4263	443,000
PASCO COUNTY, 14517 7th Street, Dade City, FL 33525	172,000
PEARSALL, 501 W. Medina, Pearsall, TX 78061	38,356
PECOS, P.O. Box 904, Pecos, NM 87552–0904	300,000
PEKIN HOUSING AUTHORITY, 1901 Broadway, Pekin, IL 61554	107,200
PEMBROKE, P.O. Drawer 910, Pembroke, NC 28372	190,000
PEMBROKE HA, Killcommon Drive, Pembroke, MA 02359–0308	200,000
PEORIA, 8401 W. Monroe St., Peoria, AZ 85345	201,150
PERRY HA, 26 Brown Circle Dr., Crooksville, OH 43731	226,000
PESHTIGO HA, 181 Chicago Court, Peshtigo, WI 54157–0024	363,600
PHILLIPSBURG, 302 W. F St., Phillipsburg, KS 67661–1827	20,000
PIEDMONT, P.O. Box 420, Piedmont, AL 36272–0420	700,000
PIKE COUNTY HA, 838 Mason, Barry, IL 62312	183,900
PIKE METROPOLITAN HOUSING, 2626 Shyville Road, Piketon, OH 45661	253,804
PINAL COUNTY, 970 N. Eleven Mile Corner Rd., Casa Grande, AZ 85222–9621	719,000
PINELAND, P.O. Box 266, Pineland, TX 75968–0266	128,000
PINEVILLE, 911 Alabama Ave., Pineville, KY 40977	535,000
PIPESTONE, Box 365, Pipestone, MN 56164–1699	736,550
PITTSBURG, P.O. Box 435, Pittsburg, TX 75686–0435	586,000
PITTSFIELD HA, 65 Columbus Avenue, Pittsfield, MA 01201–0627	265,000
PLANT CITY, 1306 Larrick Lane, Plant City, FL 33566–6699	94,500
PLATTSBURG, 107 Broadway, Plattsburg, MO 64477–0371	265,000
PLATTSMOUTH HSG AUTH., 801 Washington Ave., Plattsmouth, NE 68048–1255	225,000
PLEASANTON, 402 W. Adams St., Pleasanton, TX 78064	111,000
PLEASANTON, 902 Palm St., Pleasanton, KS 66075–0020	264,000
PLEASANTVILLE HA, 156 N. Main St., Pleasantville, NJ 08232–2564	512,000
PLUMAS COUNTY, P.O. Box 319, Quincy, CA 95971	769,494
PLYMOUTH, 306 W. Water St., Plymouth, NC 27962	150,000
POCAHONTAS, 1320 Dalton St., Pocahontas, AR 72455	2,561,125
POINT PLEASANT, P.O. Box 517, Pt. Pleasant, WV 25550–0517	211,600
PONCHATOULA, P.O. Box 783, Ponchatoula, LA 70454–0783	420,000
PONTOTOC, P.O. Box 590, Pontotoc, MS 38863	269,340
PORT ISABEL, P.O. Box 1196, Port Isabel, TX 78578–1196	77,916
PORT JERVIS HA, 39 Pennsylvania Ave., Port Jervis, NY 12771–2132	364,500
PORT LAVACA, 627 W. George Street #174, Port Lavaca, TX 77979	476,857
PORTLAND HA, 9 Chatham Court, Portland, CT 06480	487,212
POTEET, P.O. Box 226, Poteet, TX 78065–0226	76,087
PRESCOTT, P.O. Box 119, Prescott, AR 71857–0749	915,876
PRESQUE ISLE HA, 58 Birch St., Presque Isle, ME 04769–0356	415,000
PRESTONSBURG, P.O. Box 687, Prestonsburg, KY 41653	438,893
PRINCETON, 100 Hillview Court, Princeton, KY 42445	400,000
PRINCETON, 801 Third Street N., Princeton, MN 55371	57,200
PRINCETON, 801 Hickland, Princeton, MO 64673–1227	163,000
PRINCEVILLE, 51 Pioneer Court, Tarboro, NC 27886	150,000
PROVIDENCE, 101 Center Ridge Dr., Providence, KY 42450	240,000
PULASKI, P.O. Box 1058, Pulaski, TN 38478–1058	242,500
PULASKI COUNTY HA, P.O. Box 246, Mounds, IL 62964–0246	195,600
PUNTA GORDA, P.O. Box 1146, Punta Gorda, FL 33951–1146	213,865
PUTNAM HA, 123 Laconia Ave., Putnam, CT 06260–1799	657,297
QUEEN ANNE'S CO. HSG AUTH., P.O. Box 327, Centreville, MD 21617	177,626
RAINSVILLE, P.O. Box 733, Boaz, AL 35957	805,325
RALLS, P.O. Box 904, Ralls, TX 79357–0904	191,450
RAMAPO HA, Pondview Drive, Suffern, NY 10901–6599	635,279
RANDLEMAN, 606 South Main St., Randleman, NC 27317	125,500
RANDOLPH COUNTY HA, 214 Opdyke St., Chester, IL 62233	1,083,000
RATON, P.O. Box 297, Raton, NM 87740–0297	620,000
RAVENNA HSG AUTH., 1011 Grand Ave., Ravenna, NE 68869–1015	47,000
RAYNE, P.O. Box 164, Rayne, LA 70578–0164	300,000
RED BAY, P.O. Box 1426, Red Bay, AL 35582	401,825
RED CLOUD HSG AUTH., P.O. Box 247, Red Cloud, NE 68970–0247	200,000
REDWOOD FALLS, 300 S. Minnesota St., Redwood Falls, MN 56283–1544	775,000
REED CITY, 802 S. Mill St., Reed City, MI 49677	272,068
REIDSVILLE, 928 Jeffery Court, Reidsville, NC 27320	150,000
RENSSELAER HA, 85 Aiken Ave., Rensselaer, NY 12144–2502	62,550
RENVILLE COUNTY, 161 2nd Ave. E., Franklin, MN 55333–0335	169,300
REPUBLIC, 621–24 Boston Lane, Republic, MO 65738–1170	350,000
REVERE HA, 70 Coolidge Street, Revere, MA 02151–2999	670,000
REYNOLDS, P.O. Box 521, Reynolds, GA 31076–0521	44,750

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
RICHLAND CENTER HA, 701 West Seminary St., Richland Center, WI 53581–2169	274,500
RICHLAND COUNTY HA, 129 E. Scott St., Olney, IL 62450	694,250
RICHMOND, 302 N. Camden, Richmond, MO 64085–1654	435,000
RICHTON, P.O. Box 1236, Richton, MS 39476–1236	227,700
RIVERBANK, P.O. Box 695, Riverbank, CA 95367	100,000
RIVIERA BEACH, 2014 West 17th Court, Riviera Beach, FL 33404	442,000
ROCHESTER, 2116 Campus Drive SE., Rochester, MN 55904–4744	132,000
ROCHESTER HA, Wellsweep Acres, Rochester, NH 03867–2357	668,000
ROCK SPRINGS, 233 C St., Rock Springs, WY 82901	906,713
ROCKINGHAM, P.O. Box 160, Rockingham, NC 28379	165,000
ROCKVILLE, 14 Moore Drive, Rockville, MD 20850–1230	158,862
ROCKVILLE CENTRE HA, 160 North Centre Ave., Rockville Centre, NY 11570–3979	162,000
ROLLA HA, 1440 Forum Dr., Rolla, MO 65401–2557	859,660
ROMA, P.O. Box 1002, Roma, TX 78584–1002	15,610
ROMULUS HC, 34200 Beverly Road, Romulus, MI 48174–4454	425,000
ROUND ROCK, P.O. Box 781, Round Rock, TX 78680–0781	40,971
ROWAN COUNTY, 121 W. Council St., Salisbury, NC 28144	200,000
ROXBORO, P.O. Box 996, Roxboro, NC 27573	436,565
ROYAL OAK TOWNSHIP HC, 21312 Wyoming Ave., Ferndale, MI 48220–2125	510,000
ROYSTON, P.O. Box 86, Royston, GA 30662–0066	952,980
RUNGE, P.O. Box 127, Runge, TX 78151–0127	33,829
RUSSELLVILLE, 940 Hicks St., Russellville, KY 42276	450,000
RUTLAND HA, Templewood Ct., Rutland, VT 05701–3533	394,500
SABETHA, 1011 Oregon St., Sabetha, KS 66534–2072	5,500
SAINT LOUIS, P.O. Box 115, Saint Louis, MI 48880	595,000
SAINTE GENEVIEVE HA, 35 Robinwood Dr., Ste Genevieve, MO 63670–1461	44,700
SAMSON, P.O. Box 307, Samson, AL 36477	725,409
SAN MATEO COUNTY, 264 Harbor Blvd., Belmont, CA 94002	210,000
SAN MIGUEL COUNTY, Courthouse Annex Bld., Las Vegas, NM 87701	34,000
SAN PABLO, 2324 College Ln., San Pablo, CA 94806	1,857,300
SANDUSKY MHA, 1358 Mosser Drive, Fremont, OH 43420	59,597
SANFORD HA, P.O. Box 1008, Sanford, ME 04073–1008	560,652
SANTA FE COUNTY, #52 Camino de Jacobo, Santa Fe, NM 87501–9203	340,000
SARANAC, 203 Parsonage St., Saranac, MI 48881	651,000
SARDIS, P.O. Box 395, Sardis, MS 38666	58,120
SARGENT HSG AUTH., P.O. Box 430, Sargent, NE 68874–0430	90,000
SAUGUS HA, 19 Talbot Street, Saugus, MA 01906–3426	229,000
SAUK COUNTY HA, 708 Elizabeth St/PO147, Baraboo, WI 53913–0147	308,300
SCHUYLER HSG AUTH., 712 F St., Schuyler, NE 68661–2348	125,000
SCITUATE HA, P.O. Box 187, North Scituate, MA 02060–0187	40,000
SCOTTS BLUFF CO HSG AUTH., 89 A Woodley Park Rd., Gering, NE 69341–1633	400,000
SE MN MULTI-COUNTY, 134 East Second St., Wabasha, MN 55981	481,850
SEAGRAVES, P.O. Box 756, Seagraves, TX 79359–0756	44,975
SEDRO WOOLLEY, 15455 65th Ave. S., Tukwila, WA 98188–2583	85,475
SEGUIN, 516 Jefferson Ave., Seguin, TX 78155	99,456
SELMA, 711 Lizzie St., Selma, NC 27576	106,000
SEVIER COUNTY, Box 807, DeQueen, AR 71832–0807	1,788,931
SEYMOUR HA, Lock Drawer 191, Seymour, CT 06483	225,000
SHAMOKIN HSNG AUTH., One E. Independence St., Shamokin, PA 17872–5861	446,154
SHAWANO HA, 951 Elizabeth Street, Shawano, WI 54166	938,770
SHELBY, P.O. Box 1192, Shelby, NC 28151–1192	110,100
SHELBY, P.O. Box 247, Shelby, MS 38774	5,000
SHELL LAKE HA, Route 1, 2–A, Shell Lake, WI 54871–0302	138,250
SHELLMAN, P.O. Box 403, Cuthbert, GA 31740–1460	148,575
SHELTON HSG AUTH., P.O. Box 427, Shelton, NE 68876	40,000
SHENANDOAH, 707 W. Summit Ave., Shenandoah, IA 51601–2238	800,000
SHREWSBURY HA, 36 No. Quinsigamond Avenue, Shrewsbury, MA 01545	100,000
SINTON, P.O. Box 1302, Sinton, TX 78387–1302	138,229
SLATER, 275 South Redman, Slater, MO 65349–1622	33,000
SLEEPY EYE, 313 4th Ave. SE., Sleepy Eye, MN 56085–1775	91,860
SLIDELL, P.O. Box 1392, Slidell, LA 70459–1392	379,960
SMILEY, P.O. Box 10, Smiley, TX 78159–0252	47,171
SMITHFIELD, P.O. Box 1058, Smithfield, NC 27577	750,000
SMITHVILLE, 100 Valley View Drive, Smithville, TX 78957–0120	92,380
SMITHVILLE, 161 County Road F, Smithville, MO 64089–9612	170,000
SNOHOMISH CO., 3425 Broadway, Everett, WA 98201–5023	222,600
SNYDER CO HSNG AUTH., Courthouse, Middleburg, PA 17842	198,250
SO KINGSTOWN HA, P.O. Box 6, Peacedale, RI 02883–0006	370,000
SOLEDAD, 167 Main St., Soledad, CA 93960	188,500
SOLOMON, 105 W 6th, Solomon, KS 67480	85,000

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
SOMERSET, P.O. Box 449, Somerset, KY 42502	550,000
SOMERSWORTH HA, P.O. Box 31, Somersworth, NH 03878–1834	350,000
SOUTH HUTCHINSON, 441 N. Washington, South Hutchinson, KS 67505–1113	153,000
SOUTH LANDRY, P.O. Drawer E, Grand Coteau, LA 70541	326,539
SOUTH MILWAUKEE HA, P.O. Box 265, South Milwaukee, WI 53172–0265	681,536
SOUTHWEST ACADIA, P.O. Drawer 700, Iowa, LA 70647–0700	310,000
SOUTHWEST HARBOR HA, Post Office Box 28, Bar Harbor, ME 04609	95,000
SPRING VALLEY HA, VILLAGE, 76 Gesner Dr., Spring Valley, NY 10977–3998	357,175
SPRINGFIELD, 3806 E. 8th Street, Springfield, FL 32401–5389	256,700
SPRUCE PINE, P.O. Box 645, Spruce Pine, NC 28777	203,491
ST CHARLES PARISH, P.O. Box 448, Boutte, LA 70039–0448	390,000
ST LANDRY PARISH, P.O. Box 276, Washington, LA 70589–0276	220,000
ST MARTINVILLE, P.O. Box 913, St Martinville, LA 70582–0913	250,000
ST MICHAELS HSNG AUTH., P.O. Box 296, St. Michaels, MD 21663	61,000
ST. EDWARD HSG AUTH., P.O. Box 186, St. Edward, NE 68660–0186	40,000
ST. JAMES, 415 Armstrong Blvd. N., St. James, MN 56081–1271	188,000
ST. JOSEPH, P.O. Box 1153, St. Joseph, MO 64502	8,000
ST. LOUIS PARK, 5005 Minnetonka Blvd., St. Louis Park, MN 55416–1785	203,000
ST. PAUL HSG AUTH., P.O. Box 86, St. Paul, NE 68873–0086	100,000
STANTON, P.O. Box G, Stanton, IA 51573–0167	23,600
STAPLES, 601 Central Avenue, Long Prairie, MN 56347	560,440
STAR CITY, P.O. Box 569, Star City, AR 71667–0569	559,885
STARKVILLE, P.O. Box 795, Starkville, MS 39759	233,000
STARR COUNTY, P.O. Box 50, Rio Grande City, TX 78582–0050	440,917
STATESBORO, P.O. Box 552, Statesboro, GA 30458–0552	27,000
STERLING, 1200 No. Fifth St., Sterling, CO 80751	575,660
STEWART COUNTY, P.O. Box 327, Lumpkin, GA 31815–0327	81,000
STIGLER, 200 SE B St., Stigler, OK 74462–0000	13,850
STOCKDALE, P.O. Box 65, Stockdale, TX 78160–0065	42,370
STRATFORD, P.O. Box 310, Stratford, OK 74872–0310	409,667
STROMSBURG HSG AUTH., P.O. Box 526, Stromsburg, NE 68666	60,000
STROUD, P.O. Box 368, Stroud, OK 74079–0368	60,730
STUART, 3432 West 45th St., West Palm Beach, FL 33407–1897	10,000
SULPHUR, P.O. Box 271, Sulphur, LA 70664–0271	340,000
SUNNYSIDE, 1500 Federal Way, Sunnyside, WA 98944–1671	709,000
SUWANNEE COUNTY, P.O. Box 837, Branford, FL 32008	143,300
SYLVANIA, P.O. Box 628, Waynesboro, GA 30830–0597	54,600
TALCO, P.O. Box 395, Talco, TX 75487–0395	101,250
TALLAPOOSA, 304 Arbacoochee Road, Tallapoosa, GA 30176	962,000
TAOS COUNTY, P.O. Box 4239, Taos, NM 87571–4239	471,000
TARBORO, P.O. Box 1144, Tarboro, NC 27886	198,100
TARRANT, 624 Bell Ave., Tarrant, AL 35217	867,912
TARRYTOWN MUNICIPAL HA, 50 White St., Tarrytown, NY 10591–3621	319,500
TAYLOR HC, 15270 Plaza South Dr., Taylor, MI 48180–5249	700,000
TECUMSEH, 601 Leisure St., Tecumseh, OK 74873–0000	899,740
TEKAMAH HSG AUTH., 211 S. Ninth St., Tekamah, NE 68061–1482	100,000
TEMPLE, P.O. Box 307, Temple, OK 73568–0307	100,592
TENAHA, P.O. Box 407, Tenaha, TX 75974–0407	145,980
TEXAS CITY, 817 Second Ave. North, Texas City, TX 77590	30,000
THIEF RIVER FALLS, 415 Arnold Avenue S., Thief River Falls, MN 56701–0246	800,000
THREE RIVERS, P.O. Box 306, Three Rivers, TX 78071–0306	135,198
TILDEN HSG AUTH., Route 1, Box 500, Tilden, NE 68781	65,000
TIMPSON, P.O. Box 357, Timpson, TX 75975–0357	257,180
TIPTON, P.O. Box 369, Tipton, OK 73570–0369	512,680
TISHOMINGO, P.O. Box 543, Tishomingo, OK 73460–0543	31,900
TIVERTON HA, 99 Hancock St., Tiverton, RI 02878	324,000
TRAVIS COUNTY, P.O. Box 1748, Austin, TX 78767–1748	101,640
TREMPEALEAU COUNTY HA, 1519 Main Street, Whitehall, WI 54773	424,234
TRINIDAD, P.O. Box 353, Trinidad, TX 75163–0353	315,050
TROY, 201 Stanley St., Troy, NC 27371	75,000
TUSCUMBIA, P.O. Box 350, Tuscumbia, AL 35674	559,899
ULYSSES, P.O. Box 613, Ulysses, KS 67880–0613	252,294
UNION COUNTY, 715 W. Main Street, Lake Butler, FL 32054	146,000
UPLAND, 1226 N. Campus Ave., Upland, CA 91786–3337	981,500
UTAH COUNTY, 240 E. Center, Provo, UT 84606	522,567
UVALDE, 1700 Garner Field Rd., Uvalde, TX 78801	128,760
VALDESE, P.O. Box 310, Valdese, NC 28690	476,955
VAN BUREN HA, 16 Champlain St., Van Buren, ME 04785–1339	340,000
VANCEBURG, 802 Fairlane Dr., Vanceburg, KY 41179	450,000
VERDIGRE HSG AUTH., P.O. Box 10, Verdigre, NE 68783	28,000

COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM RECIPIENTS——Continued

[Fiscal Year 1994]

Funding recipient (name and address)	Amount approved
VERMILION COUNTY HA, S. Chicago St., Rossville, IL 60963	332,400
VERSAILLES, 519 Poplar St., Versailles, KY 40383	540,000
VIDALIA, 804 E. Fourth Street, Vidalia, GA 30474–0508	155,600
VILLISCA, 600 E. Third St., Villisca, IA 50864	40,000
VINCENT, P.O. Box 396, Childersburg, AL 35044	451,920
WABASH COUNTY HA, 330 W. 10th St., Mt Carmel, IL 62863	311,350
WAKEFIELD HA, 26 Crescent Street, Wakefield, MA 01880	45,000
WALDRON, Box 39, Waldron, AR 72958–0039	668,878
WALLA WALLA, 411 W. Main, Walla Walla, WA 99362–0215	171,000
WALSENBURG, P.O. Box 312, Walsenburg, CO 81089	1,016,195
WAMEGO, P.O. Box 86, Wamego, KS 66547–0086	25,000
WARREN METROPOLITAN H.A., P.O. Box 63, Lebanon, OH 45036–1678	224,028
WARRENTON, P.O. Box 2, Warrenton, GA 30828–0002	106,700
WASHINGTON HA, 520 SE. Second St., Washington, IN 47501–4042	380,000
WATER VALLEY, HH–1 Blackmur Drive, Water Valley, MS 38965–3008	306,630
WATERLOO, 620 Mulberry St., Waterloo, IA 50703	145,100
WATERTOWN HA, 201 North Water St., Watertown, WI 53094–7683	175,366
WATERVILLE, P.O. Box 449, Waterville, KS 66548–0449	70,000
WATERVILLE HA, 60 Elm St., Waterville, ME 04901–6005	453,100
WAURIKA, P.O. Box 307, Waurika, OK 73573–0307	258,420
WAUSAUKEE HA, Evergreen Plaza, Wausaukee, WI 54177	561,653
WAYLAND HA, 106 Main Street, Wayland, MA 01778–4939	220,000
WAYNE HC, 4001 South Wayne Rd., Wayne, MI 48184–1293	120,000
WAYNESBORO, 1069 Wayne Street, Waynesboro, MS 39367	202,000
WAYNESBORO RHA, P.O. Box 1138, Waynesboro, VA 22980–0821	158,148
WEBSTER HA, Golden Heights, Webster, MA 01570–1651	140,000
WEEPING WATER HSG AUTH., 309 W. River St., Weeping Water, NE 68463	60,000
WELLINGTON, 1715 W. Mountain Ave., Fort Collins, CO 80521	77,977
WESLACO, P.O. Box 95, Weslaco, TX 78596–0095	70,245
WEST CARTHAGE HA, West Side Terrace, Carthage, NY 13619–1161	206,460
WEST HARTFORD HA, 759 Farmington Ave., West Hartford, CT 06119	220,000
WEST PLAINS HA, P.O. Box 1000, West Plains, MO 65775–1000	492,320
WEST POINT, P.O. Box 545, West Point, GA 31833–0545	1,260,551
WEST POINT, P.O. Box 158, West Point, MS 39773	685,979
WESTBROOK HA, P.O. Box 349, Westbrook, ME 04098	107,000
WEYMOUTH HA, 402 Essex Street, Weymouth, MA 02188	190,000
WHITE COUNTY HA, P.O. Box 064, Crossville, IL 62827–0064	513,410
WHITESBURG, 101 Banks St., Whitesburg, KY 41858	900,000
WHITEVILLE, 504 Burkhead St., Whiteville, NC 28472	200,000
WILBER HSG AUTH., P.O. Box 577, Wilber, NE 68465	20,000
WILDWOOD HA, P.O. Box 1379, Wildwood, NJ 08260–6135	187,000
WILLIAMSPORT HSNG AUTH., 505 Center St., Williamsport, PA 17701–4974	405,880
WILLIAMSTON, P.O. Box 709, Williamston, NC 27892	206,200
WILLMAR, 302 SW. Fourth Street, Willmar, MN 56201–1322	458,000
WILLS POINT, 914 N. 3rd St., Wills Point, TX 75169–1610	552,120
WINCHENDON HA, 108 Ipswich Drive, Winchendon, MA 01475–1217	100,000
WINCHESTER, P.O. Box 502, Winchester, TN 37398–0502	54,810
WINCHESTER HA, 80 Chestnut St., Winsted, CT 06098–1601	253,000
WINDOM, P.O. Box 1058, Windom, TX 75492–1058	40,425
WINNFIELD, P.O. Box 1413, Winnfield, LA 71483–1413	266,492
WINNSBORO, 612 Autumn Dr., Winnsboro, TX 75494	358,625
WINOOSKI HA, 83 Barlow St., Winooski, VT 05404	364,800
WINTER HAVEN, 2670 Avenue C, S.W., Winter Haven, FL 33880	200,000
WINTER PARK, 718 Margaret Square, Winter Park, FL 32789–1952	81,100
WINTERSET, 415 N. Second St., Winterset, IA 50273	166,156
WOODRIDGE HA, P.O. Box 322, Woodridge, NY 12789–0322	154,000
WOODRUFF, Post Office Box 715, Woodruff, SC 29388–0715	205,650
WY COMM DEV AUTH., P.O. Box 634, Casper, WY 82602	431,900
WYNNEWOOD, 806 E. Colbert St., Wynnewood, OK 73098–0000	33,280
WYOMING, 2450 36th Street, SW, Wyoming, MI 49509	418,000
WYOMING CO HSNG AUTH., P.O. Box 350, Nicholson, PA 18446–0350	224,000
YAKIMA, 412 S. 3rd St. #1, Yakima, WA 98901–3072	1,000,000
YOAKUM, P.O. Box 250, Yoakum, TX 77995–0250	89,200
YORK, P.O. Box 9, York, AL 36925–0009	131,000
YORK, Post Office Box 687, York, SC 29745–0687	260,500
YORK HSG AUTH., 306 E. Seventh St., York, NE 68467	50,000
YPSILANTI HC, 601 Armstrong Drive, Ypsilanti, MI 48197–5224	991,917
YUMA, 1350 W. Colorado St., Yuma, AZ 85364–1336	647,800
YUMA COUNTY, 8450 W. Highway 95, Somerton, AZ 85350–2534	975,281

[FR Doc. 96–5922 Filed 3–12–96; 8:45 am]
BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

National Biological Service; Request for Comments on Proposed Public Survey of Visitors in Denali National Park

ACTION: Collection of public comments on proposed survey of visitors in Denali National Park in compliance with OMB regulations 5 CFR 1320, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)). This notice seeks to solicit comments prior to and concurrent with OMB review.

SUMMARY: This notice seeks to satisfy the Office of Management and Budget (OMB) requirement that all agencies developing proposed collections of information provide a 60 day public notification period for the purpose of soliciting comments on proposed collection of information, as specified under OMB regulations 5 CFR part 1320 relating to the Paperwork Reduction Act of 1995. The collection of information referred herein applies to the public survey to be conducted in Denali National Park, Alaska, during the months of June and July, 1996. The purpose of this survey is to provide the management of Denali National Park with explicit data on how the use of tour and shuttle buses influences the quality of the visitor experience.

BURDEN TIME: 15 minutes.

NUMBER OF RESPONDENTS: 2,000.

PROPOSED DATES: June 20 through July 9, 1996.

NEEDS AND USES: To provide park management with data concerning park visitors' attitudes toward the tour and shuttle bus service and evaluations of their park experience. Information gathered from this survey will be available for park management planning specific to the tour and shuttle bus service available in the park.

FREQUENCY: One time only.

AFFECTED PUBLIC: Single visitors, families, and groups using the tour and shuttle bus service in Denali National Park, Alaska.

TO OBTAIN COPIES: Copies of the survey may be obtained by writing to Dr. R. Gerald Wright, Fish and Wildlife Cooperative Research Unit, College of Forestry, Wildlife, and Range Sciences, University of Idaho, Moscow, ID 83844–1136, or ordered by telephone by calling (208) 885–7990.

SUBMIT COMMENTS TO: Dr. R. Gerald Wright, Fish and Wildlife Cooperative Research Unit, College of Forestry, Wildlife, and Range Sciences, University of Idaho, Moscow, ID 83844–1136. Comments may be submitted by telephone to: (208) 885–7990, or by electronic mail at gwright@uidaho.edu. Comments submitted by electronic mail should include the commenter's name, affiliation, postal address, telephone number, and e-mail address in the text of the message.

DEADLINE FOR COMMENTS: May 13, 1996.

R. Gerald Wright,

Research Biologist, National Biological Service, Fish and Wildlife Cooperative Research Unit, College of Forestry, Wildlife, and Range Sciences, University of Idaho, Moscow, ID 83844–1136.

[FR Doc. 96–5923 Filed 3–12–96; 8:45 am]
BILLING CODE 4310–DP–M

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–811523

Applicant: Anna Bass, BEECS, University of Florida, Alachua, FL

The applicant requests a permit to import DNA, tissue, blood, and live or dead eggs and hatchlings from green (*Chelonia mydas*), loggerhead (*Caretta caretta*), Ridley (*Lepidochelys olivacea*), leatherback (*Dermochelys coriacea*) and hawksbill sea turtles (*Eretmochelys imbricata*) from locations worldwide for the purpose of scientific research to benefit the species in the wild. This notice covers activities conducted by the applicant over a five year period.

PRT–811179

Applicant: Jerry Angel, New Waterford, OH

The applicant requests a permit to import a sport-hunted trophy of a male bontebok (*Damaliscus pygarus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–811597

Applicant: William Alexander, Spring, TX

The applicant requests a permit to import a sport-hunted trophy of a male bontebok (*Damaliscus pygarus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–811567

Applicant: Columbia University, New York, NY

The applicant requests a permit to import blood and hair samples from captive-held, captive-born and wild-caught black lion tamarins (*Leontopithecus chrysopygus*) and black-headed lion tamarins (*Leontopithecus caissara*) from San Paulo, Brazil for the purpose of scientific research to enhance the survival of the species.

PRT–812001

Applicant: Zoological Society of San Diego, CRES, San Diego, CA

The applicant requests a permit to import blood and femoral gland secretion samples from captive-held and captive-born Fijian banded iguana (*Brachylophus faciatus*) and Fijian crested iguana (*Brachylophus vitiensis*) from Taronga Zoo, Sydney, Australia for the purpose of scientific research to benefit the species in the wild.

PRT–700877

Applicant: Bernice P. Bishop Museum, Honolulu, HI

The applicant requests to renew their permit to export and reimport non-live specimens of endangered and threatened species of plants and animals previously accessioned into the applicant's collection and to salvage dead specimens of endangered or threatened species of wildlife within the Hawaiian Islands for the purpose of scientific research. This notice covers activities conducted by the applicant over a five year period.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: March 8, 1996.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96–6013 Filed 3–12–96; 8:45 am]

BILLING CODE 4310–55–P

Bureau of Land Management

[WO–320–1990–2–24 1A]

Extension of Currently Approved Information Collection, OMB Approval Number 1004–0114

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is announcing its intention to request extension of approval to collect certain information from the owners of unpatented mining claims, mill sites, and tunnel sites to allow the BLM to record such claims and sites, determine the land status at the time of location, collect annual maintenance and location fees, process annual waivers from such fees, process annual affidavits of labor or notices of intent to hold a mining claim or site, process requests for deferments from assessment work, process transfers of interest, and generally adjudicate such claims and sites for compliance with the 1872 Mining Law, *as amended* and the Federal Land Policy and Management Act of 1976 (FLPMA), *as amended*.

DATES: Comments on the proposed information collection must be received by May 13, 1996 to be assured of consideration.

ADDRESSES: Comments may be mailed to: Regulatory Management Team (420), Bureau of Land Management, 1849 C Street NW., Room 401LS, Washington, D.C. 20240.

Comments may be sent via Internet to: !WO140@attmail.com. Please include ''ATTN: 1004–0114'' and your name and return address in your Internet message.

Comments may be hand-delivered to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Roger A. Haskins, (202) 452–0355.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.8(d), BLM is required to provide 60-day notice in the Federal Register concerning a proposed collection of information to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. BLM will analyze any comments sent in response to this notice and include them with its request for extension of approval from the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Recording claims

Under sections 314 (a) and (b) of FLPMA (43 U.S.C. 1744), owners of unpatented mining claims, mill sites, and tunnel sites located on Federal lands must notify BLM of the location of the claim or site within 90 days after it has been filed under State law. Under the implementing regulations at 43 CFR 3833.1–2, the claim owner must provide the name or number of the claim, the name and address of the claim owner(s), the type of claim, the date of location, and a description of the claim or mineral survey.

Maintenance fee waiver

Under sections 10101–10106 of the Act of August 10, 1993 (Pub. L. 103–66, 107 Stat. 405), owners of unpatented mining claims, mill sites, and tunnel sites must pay an annual maintenance fee of $100 per claim or site, unless the fee is waived. The fee is in lieu of the requirement to perform and record annual assessment work. Under BLM's implementing regulations at 43 CFR 3833.1–7, owners of no more than ten mining claims can annually apply for and obtain from BLM a maintenance fee waiver by submitting the following information: the mining claim and names and BLM serial numbers, a declaration of owning no more than ten claims and sites, a declaration having complied with the assessment work requirements, the names and addresses of all owners of the claims and sites, and the owners' signatures. BLM uses Form 3830–2 to simplify the collection of the required information. Any interested member of the public may request and obtain, without charge, a copy of Form 3830–2 by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

Annual assessment work

Under section 314(a) of FLPMA and Pub. L. 103–66, owners of unpatented mining claims, mill sites, and tunnel sites who qualify for a waiver of the maintenance fee must annually file either evidence of annual assessment work for each claim and site or a notice of intention to hold for each claim and site. Under BLM's implementing regulations at 43 CFR 3833.2–4, evidence of annual assessment work must be in the form of either (a) a copy of the evidence of work performed and filed under applicable State law, BLM serial number for each claim and site, and any changes in the owner's mailing address or (b) a copy of any geological, geochemical, and geophysical surveys filed according to State law, along with the BLM serial number of the claim or site, and any mailing address changes. Under 43 CFR 3851.2, the surveys must contain the location of the work performed in relation to the claim boundaries; the nature, extent, and cost of the work performed; the basic findings of the survey(s); and the name, address, and professional background of the person(s) performing the work.

Notice of intent to hold

Under BLM's implementing regulations at 3833.2–5, the notice of intention to hold one or more mining claims must be in the form of either (a) a copy of the document filed under applicable State law containing the BLM serial number(s) of the claim(s) and any change in the mailing address of the owner(s) of the claim(s), (b) a reference to the BLM decision deferring annual assessment work, or (c) a reference to a pending petition for deferment of annual assessment work. Under 43 CFR Subpart 3852, a claimant may request deferment of assessment work by filing with BLM a petition containing the names of the claims, dates of location, and the date of the beginning of the requested one-year deferment period. A notice of intention to hold one or more mill or tunnel sites must contain the BLM serial number assigned to each site and any change in the mailing address of the site owner(s).

Transfer of interest

Under 43 CFR 3833.3, whenever the owner of an unpatented mining claim, mill site or tunnel site sells, assigns, or otherwise conveys any interest in a

claim or site, the person receiving the claim or site must file the following information with BLM: the BLM serial number of the claim, the name and address of the person receiving an interest in the claim, and a copy of the document transferring the interest under applicable State law. The same information must be submitted to BLM if someone inherits an interest in a claim or site.

Notice of intent to locate

In 1993, Congress amended section 9 of the Stock Raising Homestead Act (39 Stat. 864, 43 U.S.C. 291 *et seq.*) to require anyone desiring to explore for or locate a mining claim on a stock raising homestead to file with BLM a notice of intent if the mineral activities related to the exploration cause no more than a minimal disturbance of surface resources and do not involve the use of heavy equipment, explosives, road construction, drill pads or hazardous materials (Pub. L. 103–23, 107 Stat. 60). Under BLM's implementing regulations at 43 CFR 3833.0–3(g) and .1–2(c) and (d), the notice of intent must contain the name and mailing address of the person filing the notice and a legal description of the lands to which the notice applies. Those desiring to explore for or locate a mining claim must also provide the surface owner with a brief description of the proposed mineral activities; a map and legal description of the lands to be subject to mineral exploration; the name, address, and phone number of the person managing the activities; and the date(s) on which the activities will take place.

BLM will use all of the information collections described above to determine the number and location of unpatented mining claims, mill sites, and tunnel sites located on Federal lands to assist in the surface management of these lands and any minerals found there; to remove any cloud on the title to those lands due to abandoned mining claims; to provide information as to the location of active claims; and to keep informed about transfers of interest and ownership. If BLM did not collect this information, the rights of surface and mineral owners would not be protected, the Government's ability to locate and control surface disturbance would be compromised, and opportunities for mineral exploration and development would be unnecessarily circumscribed.

Based on BLM's experience administering FLPMA and the general mining laws, BLM estimates the public reporting burden for this information collection to average eight minutes per response. The respondents are owners of unpatented mining claims, mill sites, and tunnel sites located on the public domain and individuals or organizations who seek to explore for or locate a mining claim on lands subject to the Stock Raising Homestead Act, as amended. The frequency of response is once, upon recording, and annually thereafter, and in the case of lands subject to the Stock Raising Homestead Act, one per entry. The number of responses per year is estimated to be about 336,200. The estimated total annual burden on new respondents collectively is about 44,827 hours.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become a matter of public record.

Dated: March 6, 1996.

Annetta L. Cheek,

Chief, Regulatory Management Team.

[FR Doc. 96–5938 Filed 3–12–96; 8:45 am]

BILLING CODE 4310–84–P

[AZ–050–06–1610–00; 1792]

Arizona: Availability of the Final Yuma District (Lands) Resource Management Plan Amendment and Environmental Assessment, Yuma District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the final Yuma District (Lands) Resource Management Plan Amendment and Environmental Assessment, Yuma District.

SUMMARY: In compliance with the Federal Land Policy and Management Act of 1976 and section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared an amendment and environmental assessment to its Yuma District Resource Management Plan (RMP).

The management action prescribed in the preferred alternative would permit disposal or acquisition of lands that have not been previously identified in the RMP.

The document contains procedures for protesting the Amendment or any part of it. These procedures can also be found in the Code of Federal Regulations 43 CFR 1610.5–2.

SUPPLEMENTARY INFORMATION: The document contains the criteria to be considered for each land disposal or acquisition proposal. These criteria are consistent with the Federal Land Policy and Management Act. Site-specific impacts of each proposal would continue to be analyzed in accordance with the National Environmental Policy Act. In addition, this process must be in compliance with the Endangered Species Act, National Historic Preservation Act, and other applicable legislation prior to the approval of any lands action.

A limited number of copies of the Amendment and Environmental Assessment are available upon request to the Yuma District Manager, Bureau of Land Management, 3150 Winsor Avenue, Yuma, Arizona 85365. There are also copies available for review at the above location.

EFFECTIVE DATE: The protest period will begin upon publication of this notice in the Federal Register and run for 30 days, after which the decision will become final. Except for any portions under protest, the BLM's Arizona State Director may approve the Amendment 30 days from the date of this notice.

FOR FURTHER INFORMATION CONTACT: Renewable Resource Advisor Brenda Smith, Bureau of Land Management, 3150 Winsor Avenue, Yuma, Arizona 85365, telephone (520) 726–6300.

This notice is published under authority found in 43 CFR 1610.2(f)(4).

Dated: March 4, 1996.

Maureen A. Merrell,

Assistant District Manager, Administration/ Acting District Manager.

[FR Doc. 96–5907 Filed 3–12–96; 8:45 am]

BILLING CODE 4310–32–P

Bureau of Reclamation

Proposed Long-Term Water Service Contract Renewal; Frenchman-Cambridge and Bostwick Divisions; Pick-Sloan Missouri Basin Program: Nebraska and Kansas

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of cancellation of public information/scoping meetings.

SUMMARY: The Bureau of Reclamation (Reclamation) published a notice of intent to prepare a draft environmental impact statement (EIS) in the Federal Register (61 FR 7803, Feb. 29, 1996). In association with this notice, Reclamation announced the schedule for a series of public information/ scoping meetings. These meetings were scheduled to inform the public of the status of contract renewal, to allow for public comment on the preliminary management scenarios being evaluated in the draft Resource Management Assessment, to inform the public of significant issues identified to date, to identify additional significant issues that should be evaluated in the draft

EIS, and to identify issues related to Indian trust assets.

Reclamation has determined that the scoping meetings will be postponed until more substantial information can be developed and disseminated to the public for review. This level of information will provide for better and more open discussion of project proposals and related impacts. Reclamation is proceeding with preparation of the draft EIS within projected schedules. Reclamation will continue to disseminate project information to the public through the Republican River Roundup newsletter and will schedule scoping meetings in the near future to provide additional opportunities for public participation and input.

FOR FURTHER INFORMATION CONTACT: Ms. Jill Manring, Natural Resource Specialist, Bureau of Reclamation, Nebraska-Kansas Area Office, Post Office Box 1607, Grand Island, Nebraska 68802–1607; Telephone (308) 389–4557.

Dated: March 6, 1996.

Neil Stessman,

Regional Director.

[FR Doc. 96–5919 Filed 3–12–96; 8:45 am]

BILLING CODE 4310–94–P

Programmatic Environmental Impact Statement/Environmental Impact Report on the CALFED Bay-Delta Program, San Francisco Bay/ Sacramento-San Joaquin River Delta, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare an environmental impact statement/ environmental impact report.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 as amended, CALFED, a consortium of federal and state agencies, proposes to participate in a joint programmatic environmental impact statement/ environmental impact report (EIS/EIR) on the CALFED Bay-Delta Program. The State of California Resources Agency will be the lead agency under the California Environmental Quality Act. The CALFED Bay-Delta Program is intended to provide long-term solutions to the problems affecting the San Francisco Bay/Sacramento-San Joaquin River Delta (Bay-Delta system). CALFED has requested that the U.S. Army Corps of Engineers (Corps) participate in the programmatic EIS/EIR as a cooperating agency for purposes of its regulatory program. The Corps has indicated that it will participate in such a role.

DATES: Written comments on the scope of alternatives and impacts to be considered should be sent to CALFED by April 29, 1996. CALFED estimates that the draft EIS/EIR will be available for public review in the summer of 1997.

Through a series of scoping meetings, CALFED will seek public input on alternatives, concerns, and issues to be addressed in the EIS/EIR. The schedule and locations of the scoping meetings are as follows:

- April 9, 1996, MetroCentro Building, Eighth and Madison Streets, Oakland, California, 7:00 p.m. to 9:00 p.m.
- April 10 1996, Jean Harvie Senior and Community Center, 14273 River Road, Walnut Grove, California, 7:00 p.m. to 9:00 p.m.
- April 11, 1996, Tehama County Community Center, Gardenside Room, 1500 South Jackson Road, Red Bluff, California, 7:00 p.m. to 9:00 p.m.
- April 15, 1996, Red Lion Inn, 2001 Point West Way, Sacramento, California, 7:00 p.m. to 9:00 p.m.
- April 16, 1996, Red Lion Hotel/San Diego, 7450 Hazard Center Drive, San Diego, California, 7:00 p.m. to 9:00 p.m.
- April 17, 1996, Long Beach Renaissance Hotel, 111 E. Ocean Boulevard, Long Beach, California, 1 p.m. to 3 p.m.
- April 17, 1996, Holiday Inn, 303 E. Cordova, Pasadena, California, 7:00 p.m. to 9:00 p.m.
- April 18, 1996, Red Lion Inn, 3100 Camino Del Rio Court, Bakersfield, California, 7:00 p.m. to 9:00 p.m.

ADDRESSES: Written comments on the project scope should be sent to Mr. Rick Breitenbach, CALFED Bay-Delta Program, 1416 Ninth Street, Suite 1155, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Breitenbach at the above address; telephone: (916) 657–2666.

SUPPLEMENTARY INFORMATION: The State of California and the Federal government are working together to stabilize, restore, and enhance the Bay-Delta system. State-Federal cooperation was formalized in June 1994 with the signing of a Framework Agreement by the Bureau of Reclamation; U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency; National Oceanic and Atmospheric Administration, National Marine Fisheries Service; and the State of California Resources Agency, Department of Fish and Game, Department of Water Resources, California Environmental Protection Agency, and State Water Resources Control Board. These agencies, with management and regulatory responsibility in the Bay-Delta system, are working together as CALFED and will provide policy direction and oversight for the process. The Framework Agreement pledged that State and Federal agencies would work together in three areas of Bay-Delta management:

- water quality standards formulation,
- coordination of State Water Project and Central Valley Project operations with regulatory requirements, and
- long-term solutions to problems in the Bay-Delta estuary.

The mission of the CALFED Bay-Delta Program is to develop a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta system. Four main problem areas have been identified for the Bay-Delta system. These are water quality, ecosystem health, water supply reliability, and system vulnerability. Six principles guide the development of the solutions to the problems identified for the four problem areas. The principles dictate that the solutions must be affordable, equitable, durable, and implementable; must reduce conflict among competing interests; and must not redirect significant impacts.

Scoping is an early and open process designed to determine the significant issues and alternatives to be addressed in the EIS/EIR. The following are significant issues that have been identified by CALFED agencies to date:

- declining fish populations;
- Delta water quality;
- agricultural and municipal water supplies and water quality;
- health of the Delta ecosystem;
- levee stability in the Delta;
- flow and direction of water in the Delta and tributary streams;
- land uses in the Delta;
- wetland, upland, and aquatic habitats in the Delta and tributary streams;
- upstream storage reservoirs;
- recreation opportunities; and
- power generation at upstream facilities.

In addition to a no-action alternative, the CALFED Bay-Delta Program has drafted alternative solutions for problems in the Bay-Delta system. Each draft alternative is a combination of many actions, such as operational and policy changes, habitat restoration, and water flow adjustments, that together form a comprehensive solution to problems in the Bay-Delta system's four problem areas: water quality, ecosystem health, water supply reliability, and system vulnerability. The CALFED Bay-

Delta Program operates on the premise that no single operational change or new facility will solve the myriad of interrelated problems in the Bay-Delta system. Therefore, each alternative is designed to include a balanced array of actions that, when combined, solve many problems simultaneously.

Far from being final products, the draft alternatives are subject to significant change based on further public input and technical analyses including the possibility of combining portions of more than one draft alternative to form a new potential alternative.

While the draft alternatives vary in emphasis and detail, they share certain measures or ''core actions'' that already enjoy broad acceptance among stakeholders. Currently, the draft alternatives include core actions addressing the following areas of concern:

- habitat restoration in the Delta and upstream of the Delta,
- reduction in the effects that diversions have on fish,
- management of anadromous fish,
- reduction in reliance on exports of water from the Delta,
- increase in water supply predictability,
- management of water quality, and
- improvements to system reliability.

Beyond their common core actions, the draft alternatives range from those that change the operation of the existing Bay-Delta system to those that restructure the system itself. One draft alternative, for example, emphasizes upgrading levees and restoring habitat in the existing system, possibly leading to fewer regulatory restrictions on water diverted from existing diversion points. In contrast, another draft alternative proposes constructing new diversion points and a new conveyance facility west of the Delta. None of the draft alternatives exclude either reoperation or restructuring.

The draft programmatic EIS/EIR will focus on the impacts and benefits common to all methods of implementing the long-term comprehensive plan. It will contain a general analysis of the physical, biological, social, and economic impacts arising from the long-term comprehensive plan. In addition, it will address the cumulative impacts of implementation of the long-term comprehensive plan as a whole and in conjunction with other past, present, and reasonably foreseeable actions. The programmatic EIS/EIR is intended to serve as an analytical overview document that will generally precede the completion of subsequent environmental documents on specific activities or groups of activities. When a specific method of implementing an activity or activities is proposed that is not fully addressed in the programmatic EIS/EIR, a subsequent environmental document will be prepared that addresses the specific physical, biological, social, and economic impacts arising from that method. In addition, the programmatic EIS/EIR is intended to provide sufficient information regarding the potential for adverse effects on the aquatic environment and an adequate range and description of alternatives to meet the purpose and need and to satisfy the requirements of the Section 404(b)(1) Guidelines to identify the least environmentally damaging alternative capable of meeting the program purpose.

A report will be available about 2 weeks prior to the first scoping meeting that will further elaborate on the draft alternatives. If a copy of the report is desired, please contact Ms. Beth Chambers at the above address. Ms. Chambers' telephone number is (916) 657–2666.

Note: If special assistance is required, contact Ms. Pauline Nevins. Please notify Ms. Nevins as far in advance of the workshops as possible and not later than April 1, 1996 to enable CALFED to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available from TDD phones at 1–800–735–2929; from voice phones at 1–800–735–2922.

Dated: March 6, 1996.

Franklin E. Dimick,

Assistant Regional Director.

[FR Doc. 96–5945 Filed 3–12–96; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–739 (Final)]

Clad Steel Plate From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a final antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–739 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from Japan of clad steel plate, provided for in subheading 7210.90.10 of the Harmonized Tariff Schedule of the United States.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: February 27, 1996.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk (202–205–3190), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov or ftp://ftp.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of clad steel plate from Japan are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigation was requested in a petition filed on September 29, 1995, by Lukens Steel Company, Coatesville, PA.

Participation in the Investigation and Public Service List

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than 21 days after publication of this notice in the Federal Register. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this final

investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than 21 days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on April 24, 1996, and a public version will be issued thereafter, pursuant to section 207.21 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on May 7, 1996, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 30, 1996. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 2, 1996, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules. Parties are strongly encouraged to submit as early in the investigation as possible any requests to present a portion of their hearing testimony *in camera.*

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.22 of the Commission's rules; the deadline for filing is May 1, 1996. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.24 of the Commission's rules. The deadline for filing posthearing briefs is May 13, 1996; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 13, 1996. On June 10, 1996, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 13, 1996, but such final comments must not contain new factual information, or comment on information disclosed prior to the filing of posthearing briefs, and must otherwise comply with section 207.29 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.20 of the Commission's rules.

Issued: March 7, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–5998 Filed 3–12–96; 8:45 am]

BILLING CODE 7020–02–P

[Investigations Nos. 731–TA–736 and 737 (Final)]

Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Germany and Japan

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of final antidumping investigations.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping Investigations Nos. 731–TA–736 and 737 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from Germany and Japan of large newspaper printing presses (LNPP) and components thereof, whether assembled or unassembled. Also included in these investigations are elements (also referred to as parts or subcomponents) of LNPP systems, additions, or components, which taken as a whole, constitute a subject LNPP system, addition, or component used to fulfill an LNPP contract. The subject imports are provided for in subheadings 8443.11.10, 8443.11.50, 8443.21.00, 8443.30.00, 8443.40.00, 8443.59.50, 8443.60.00, and 8443.90.50 of the Harmonized Tariff Schedule of the United States (HTS). LNPP computerized control systems (including equipment and/or software) may enter under HTS subheadings 8471.49.10, 8471.49.21, 8471.49.26, 8471.50.40, 8471.50.80, 8524.51.30, 8524.52.20, 8524.53.20, 8524.91.00, 8524.99.00, and 8537.10.90. Excluded from these investigations are spare or replacement parts, as well as used LNPPs.

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: February 28, 1996.

FOR FURTHER INFORMATION CONTACT: Diane J. Mazur (202–205–3184), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov or ftp://ftp.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that imports of large newspaper printing presses and components thereof from Germany and Japan are being sold in the United States at less-than-fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on June 30, 1995, by Rockwell Graphic Systems, Inc., Westmont, IL.

Participation in the Investigations and Public Service List

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than 21 days after publication of this notice in the Federal Register. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these final investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made not later than 21 days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in these investigations will be placed in the nonpublic record on July 3, 1996, and a public version will be issued thereafter, pursuant to section 207.21 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 9:30 a.m. on July 17, 1996, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 10, 1996. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on July 12, 1996, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules. Parties are strongly encouraged to submit as early in the investigations as possible any requests to present a portion of their hearing testimony *in camera.*

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.22 of the Commission's rules; the deadline for filing is July 11, 1996. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.24 of the Commission's rules. The deadline for filing posthearing briefs is July 23, 1996; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before July 23, 1996. On August 13, 1996, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before August 16, 1996, but such final comments must not contain new factual information, or comment on information disclosed prior to the filing of posthearing briefs, and must otherwise comply with section 207.29 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16 (c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.20 of the Commission's rules.

Issued: March 7, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–5999 Filed 3–12–96; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review: Comment Request

March 6, 1996

The Department of Labor has submitted the following (see below) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (P.L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by March 29, 1996. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley (202–219–5095).

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 (202–395–7316). The Office of Management and Budget is particularly interested in comments which:

★ evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

★ evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

★ enhance the quality, utility, and clarity of the information to be collected; and

★ minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: Employment and Training Administration.

Title: Indian and Native American Employment and Training Programs, Justification for Requested Waiver of Regulations Under 20 CFR Parts 632 and 636.

Frequency: On occasion.

Affected Public: Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 75.

Total Responses: 75.

Estimated Time Per Respondent: 3 hours.

Total Burden Hours: 225.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintaining): Not applicable.

Description: The Employment and Training Administration requires information on the provisions of the amended Job Training Partnership Act (JTPA) section 401 regulations at 20 CFR 632.70 These provisions allow Indian and Native American JTPA grantees to seek a waiver of the nonstatutory provisions of the current regulations at 20 CFR Parts 632 and 636. This general waiver request capability is already available to the Governors at 20 CFR 627.201, and to those section 401 grantees participating in the demonstration under Public Law 102–477 (Indian Employment, Training and Related Services Demonstration Act of 1992). The information to be collected is in support of any such waiver request(s) submitted by section 401 grantees pursuant to 20 CFR 632.70, and is necessary to allow DOL officials to make intelligent and informated decisions on the waiver requests received. Without such supplementary information, it would be impossible for the Department to grant any waivers to existing regulations. There are no continuing information requirements associated with this collection. Such collection is only mandated when a waiver request is submitted by a grantee, and serves no purpose other than to evaluate the merits of the waiver request.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–5975 Filed 3–12–96; 8:45 am]

BILLING CODE 4510–30–M

Submission for OMB Review; Comment Request

March 7, 1996.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (P.L. 104–13, 44 U.S.C. Chapter 35). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley (202–219–5095). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OAW/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 10235, Washington, DC 20503 (202–395–7316), within 30 days from the date of this publication in the Federal Register.

The OMB is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Bureau of Labor Statistics.

Title: Multiple Worksite Report and Report of Federal Employment and Wages.

OMB Number: 1220–0134.

Agency Number: BLS 3020.

Frequency: Quarterly.

Affected Public: Not-for-profit institutions; Federal Government; State, Local or Tribal Government.

Number of Respondents: 117,911.

Estimated Time Per Respondent: 22.2 minutes.

Total Burden Hours: 174,508.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: States use the Multiple Worksite Report to collect employment and wages data by worksite from employers covered by Unemployment Insurance which are engaged in multiple operations within a State. These data are used for sampling, benchmarking, and economic analysis.

Agency: Employment and Training Administration.

Title: Forms for Agricultural Recruitment System of Services to Migratory Workers and Their Employers Application for Alien Employment Certification.

OMB Number: 1205–0134.

Frequency: On occasion.

Affected Public: State, Local or Tribal Government.

Form No.	Respondents	Frequency	Average time per response (hours)
ETA 790	52	2,000	1
ETA 795	52	3,000	.5
ETA 785	52	3,500	.5
ETA 785A	52	2,500	.5

Total Burden Hours: 6,500.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: State Employment Security Agencies use forms in servicing agricultural employers to ensure their labor needs for domestic migratory agricultural workers are met; in servicing domestic agricultural workers to assist them in locating jobs expeditiously and orderly; and to ensure exposure of employment opportunities to domestic agricultural workers before certification for employment of foreign workers.

Agency: Employment and Training Administration.

Title: Program Monitoring Report and Job Service Complaint Form.

OMB Number: 1205–0039.

Affected Public: State, Local or Tribal Government.

Form	Affected public	Respondents	Frequency	Average time per response
Complaint log recordkeeping	Local offices	168	15 times	25 minutes.
ETA 8429	Local offices	2,250	One-time	8 minutes.
Outreach log recordkeeping	Local offices	150	130 times	12 minutes.
ETA 5148	State government	52	Quarterly	1 hour 10 minutes.

Total Burden Hours: 5,530.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: Job Service forms are necessary as part of Federal Regulation, 20 CFR Parts 651, 653 and 658

published as a result of NAACP vs. Brock. The forms allow United States Employment Services to track regulatory compliance of services provided to Migrant Seasonal Farmworkers by the State Employment Service Agencies.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–5976 Filed 3–12–96; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently the Occupational Safety and Health Administration is soliciting comments concerning the proposed extension of the information collection request for the Hazard Communication Standard 29 CFR 1910.1200; 1915; 1917; 1918; 1926; 1928. A copy of the proposed information collection request (ICR) can be obtained by contacting the employee listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 13, 1996. The Department of Labor is particularly interested in comments which:

★ evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

★ evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

★ enhance the quality, utility, and clarity of the information to be collected; and

★ minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–96–2, U.S. Department of Labor, Room N–2625, 200 Constitution Ave. NW, Washington, D.C. 20210, telephone (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Anne C. Cyr, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3647, 200 Constitution Ave., NW, Washington, DC 20210. Telephone: (202) 219–8148. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed immediately to persons who request copies by telephoning Vivian Allen at (202) 219–8076. For electronic copies of the Hazard Communication Information Collection Request, contact the Labor News Bulletin Board (202) 219–4784; or OSHA's WebPage on Internet at http://www.osha.gov/.

SUPPLEMENTARY INFORMATION:

I. Background

The Hazard Communication Standard and its information collection requirements are designed to ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is transmitted to employees and downstream employers. The standard requires chemical manufacturers and importers to evaluate chemicals they produce or import to determine if they are hazardous; for those chemicals determined to be hazardous, material safety data sheets and warning labels must be developed. Employers are required to establish hazard communication programs, to transmit information on the hazards of chemicals to their employees by means of labels on containers, material safety data sheets and training programs. Implementation of these collection of information requirements will ensure all employees have the ''right-to-know'' the hazards and identities of the chemicals they work with and will reduce the incidence of chemically-related occupational illnesses and injuries.

II. Current Actions

This notice requests an extension of the current OMB approval of the paperwork requirements in the Hazard Communication Standard. Extension is necessary to ensure that employees continue to receive information about hazards and chemicals they are exposed to when working, as well as what protective measures are available to prevent adverse effects from occurring. At OSHA's request, the National Advisory Committee on Occupational Safety and Health (NACOSH) has convened a work group to consider issues related to improving hazard communication and workers right-to-know. This group of experts has been asked to consider several specific issues including the paperwork burden. The work group has received input from a number of representatives of employers and employees during its deliberation. OSHA will use the recommendations of NACOSH in its consideration of the paperwork burden.

Type of Review: Extension.

Agency: Occupational Safety and Health Administration.

Title: Hazard Communication.

OMB Number: 1218–0072.

Agency Number: Docket Number ICR–96–2.

Affected Public: Business or other for-profit, Federal government and State, Local or Tribal governments.

Total Respondents: 5,041,918.

Frequency: On occasion.

Total Responses: 74,579,540.

Average Time per Response: Time per response ranges from 12 seconds to affix labels to containers containing hazardous chemicals to 5 hours to develop a hazard communications program.

Estimated Total Burden Hours: 13,201,863.

Estimated Capital, Operation/Maintenance Burden Cost: $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 7, 1996.

Adam M. Finkel,

Director, Directorate of Health Standards Programs.

[FR Doc. 96–5974 Filed 3–12–96; 8:45 am]

BILLING CODE 4510–26–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, March 14, 1996.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. *Amax Coal Co.,* LAKE 94–55 & 94–79. (Issues include whether the judge erred in finding that accumulations on diesel-powered equipment violated 30 CFR 75.400's prohibition against accumulations on electrical-powered equipment.)

2. *RNS Services,* PENN 95–382–R, etc. (Issues include whether RNS was engaged in ''the work of preparing coal'' within the meaning of sections 3(h)(1) and (i) of the Mine Act.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

TIME AND DATE: 2:00 p.m., Thursday, March 14, 1996.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed [Pursuant to 5 U.S.C. 552b(c)(10)].

MATTERS TO BE CONSIDERED: It was determined by a majority vote of the Commissioners that the Commission will consider and act on the following in closed session:

1. *Amax Coal Co.,* LAKE 94–55 & 94–79. *See supra.*

2. *RNS Services,* PENN 95–382–R, etc. *See supra.*

CONTACT PERSON FOR MORE INFO: Jean Ellen, (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Dated: March 6, 1996.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 96–6141 Filed 3–11–96; 2:33 pm]

BILLING CODE 6735–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96–028]

NASA Advisory Council; Life & Microgravity Sciences & Applications Advisory Committee, Life and Biomedical Sciences and Applications Advisory Subcommittee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life & Microgravity Sciences & Applications Advisory Committee, Life and Biomedical Sciences and Applications Advisory Subcommittee.

DATES: March 21, 1996, 8:00 a.m. to 5:00 p.m.; and March 22, 1996, 8:00 a.m. to 2 p.m.

ADDRESS: National Aeronautics and Space Administration Headquarters, 300 E Street, SW, MIC 7 A & B, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald White, Code UL, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–2530.

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public on Friday, March 22, 1996, from 8:30 a.m. to 9:30 a.m. in accordance with 5 U.S.C. 522B(c)(6), to allow for discussion on qualifications of individuals being considered for membership to the Subcommittee. The remainder of the meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Status: Office of Life & Microgravity Sciences and Applications, Life Sciences Division

—Institutes & their Implementation

—NASA Management Policies—implication for Life Sciences

—NASA's Policy towards funding high-risk/high-payoff studies not in an enterprise strategic plan

—Selections from 1996 peer review proposals

—General discussion and recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: March 6, 1996.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 96–5971 Filed 3–12–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–027]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that LoTEC, Inc., of 1840 West Valley Parkway Boulevard, West Valley City, UT 84119, has requested a partially exclusive license to practice the inventions entitled: ''Thin-Layer Composite-Unimorph Piezoelectric Driver and Sensor, 'Thunder,' '' NASA Case No. LAR–15, 348–1; ''Tough, Soluble, Aromatic, Thermoplastic Copolyimides, 'LARC™ SI,' '' NASA Case No. LAR–15, 205–1; ''Process for Preparing Tough, Soluble, Thermoplastic Copolyimides, 'LARC™ SI,' '' NASA Case No. LAR–15, 205–2; and ''Molding of Intractable Powders Using High Performance Polymeric Coatings,'' NASA Case No. LAR–15, 355–P. Written objections to the prospective grant of a license should be sent to Mr. George F. Helfrich, Patent Counsel, Langley Research Center.

DATES: Responses to this notice must be received by May 13, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. George F. Helfrich, Patent Counsel, Langley Research Center, Mail Code 212, Hampton, VA 23681–0001; telephone (804) 864–3251.

Dated: March 6, 1996.

Edward A. Frankle,

General Counsel.

[FR Doc. 96–5970 Filed 3–12–96; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

March 1, 1996.

Pursuant to the provisions of the Federal Advisory Committee Act (Public L. 92–463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on March 25–26, 1996.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, N.W., Washington, D.C. A portion of the morning and afternoon sessions on March 25–26, 1996, will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the sessions on March 25, 1996, will be as follows:

Committee Meetings

(Open to the Public)

Policy Discussion

9:00–10:30 a.m.
Research/Education Programs—Room M07
Public Programs—Room 415
Preservation and Access and Challenge Grants—Room 315
10:00 a.m. until Adjourned
(Closed to the Public) Discussion of specific grant applications before the Council

Council Discussion Groups

(Portions Open to the Public)

3:30–5:00 p.m.
External Affairs—Room 527
Strategic Plans/Enterprise—Room 527
Federal-State Partnership—Room 527

The morning session on March 26, 1996, will convene at 10:30 a.m., in the 1st Floor Council Room, M–09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

(Coffee for Staff of The National Endowment of the Humanities will be served from 10:00–10:30 a.m.)

Minutes of the Previous Meeting Reports

A. Introductory Remarks
B. Introduction on New Staff
C. Budget Reports
D. Legislative Report-Reauthorization
E. Committee Reports on Policy and General Matters
1. Overview
2. Research/Education Programs
3. Preservation and Access
4. Public Programs
5. Jefferson Lecture Committee.

(The meeting will be closed to the public at this point.)

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Ms. Sharon I. Block, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code (202) 606–8322, TDD (202) 606–8282. Advance notice of any special needs or accommodations is appreciated.

Michael S. Shapiro,

Acting, Advisory Committee Management Officer.

[FR Doc. 96–5939 Filed 3–12–96; 8:45 am]

BILLING CODE 7536–01–M

Meeting of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Sharon I. Block, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meeting is for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. Date: March 22, 1996
Time: 9:00 a.m. to 5:30 p.m.
Room: 415
Program: This meeting will review applications for Humanities Projects in Media submitted to the Division of Public Programs for projects with January 12, 1996, deadline.

2. Date: March 28–29, 1996
Time: 9:00 a.m. to 5:30 p.m.
Room: 415
Program: This meeting will review applications for Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs for projects with January 12, 1996, deadline.

Michael S. Shapiro,

Acting, Advisory Committee Management Officer.

[FR Doc. 96–5940 Filed 3–12–96; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of new information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Generic Clearance for Customer Satisfaction Surveys.

2. *Current OMB approval number:* None.

3. *How often the collection is required:* Three per year.

4. *Who is required or asked to report:* Licensees, applicants, and the public

5. *The number of annual respondents:* 300

6. *The number of hours needed annually to complete the requirement or request:* 300

7. *Abstract:* The NRC plans to conduct voluntary customer satisfaction surveys to evaluate its programs with respect to

customer satisfaction and how NRC can improve its programs.

Submit, by May 13, 1996, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC. Members of the public who are in the Washington, DC, area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem at FedWorld, (703) 321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, (1) (800) 303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at (703) 487–4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at (1) (800) 397–4209, or within the Washington, DC, area at (202) 634–3273.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 F33, Washington, DC, 20555–0001, or by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 7th day of March, 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96–5992 Filed 3–12–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 030–32202; License No. 11–27316–01; EA 95–148]

Diamond H Testing Company; Pocatello, Idaho; Order Imposing Civil Monetary Penalty

I

Diamond H Testing Company (DHT, Licensee) is the holder of NRC Materials License No. 11–27316–01 issued by the Nuclear Regulatory Commission (NRC or Commission). The license authorizes the Licensee to possess sealed radioactive sources and to utilize those sources to conduct industrial radiography in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted June 16 through July 12, 1995, following the Licensee's report of an incident that occurred during radiography activities in Hawaii. The results of this inspection, documented in a report issued on September 11, 1995, indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A predecisional enforcement conference was conducted on September 26, 1995, in the NRC's Arlington, Texas, office. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of $8,000 was served upon the Licensee by letter dated October 25, 1995. The Notice described the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations.

The Licensee responded to the Notice in two letters both dated November 15, 1995 (Reply to a Notice of Violation and Answer to a Notice of Violation). In its responses, the Licensee admitted that portions of the regulations were violated, but denied that it should be held responsible for the violations because they resulted from independent decisions made by one of its radiographers, and stated that certain factors warranted mitigation of the proposed civil penalty.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violations occurred as described in the Notice, that the Licensee is fully responsible for the violations committed by its radiographer, and that the penalty proposed for the violations designated in the Notice should be mitigated by $3,000. Thus, a civil penalty in the amount of $5,000 should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, it is hereby ordered that:

The Licensee pay a civil penalty in the amount of $5,000 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a ''Request for an Enforcement Hearing'' and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, with a copy to the Commission's Document Control Desk, Washington, D.C. 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the Licensee was in violation of the Commission's requirements as set forth in Section I of the Notice referenced in Section II above, and

(b) Whether, on the basis of such violations, this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 5th day of March 1996.

James Lieberman,

Director, Office of Enforcement.

Appendix—Evaluation and Conclusions

On October 25, 1995, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of $8,000 was issued to Diamond H Testing Company (DHT or Licensee) for violations identified during an NRC inspection. The Licensee responded to the Notice in two letters both dated November 15, 1995. The Licensee admitted that portions of the regulations were violated, but denied that it should be held responsible for the violations because they resulted from independent decisions made by one of its radiographers, and stated that certain factors warranted mitigation of the proposed civil penalty.

Restatement of Violations I.A, I.B, and I.C

A. 10 CFR 34.22(a) requires, in part, that, during radiographic operations, the sealed source assembly be secured in the shielded position each time the source is returned to that position.

Contrary to the above, on two occasions on June 14, 1995, during radiographic operations at the Hawaiian Electric Company Kahe Unit 5 Power Plant, a licensee radiographer did not secure the sealed source assembly in the shielded position after returning the source to that position. (01012)

B. 10 CFR 34.33(a) requires that the licensee not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, the individual wears a direct-reading pocket dosimeter, an alarm ratemeter, and either a film badge or a thermoluminescent dosimeter.

Contrary to the above, on June 14, 1995, during radiographic operations at the Hawaiian Electric Company Kahe Unit 5 Power Plant, a licensee radiographer did not wear an alarm ratemeter while conducting radiographic operations. (01022)

C. 10 CFR 34.43(b) requires, in part, the licensee to ensure that a survey with a calibrated and operable radiation survey instrument is made after each radiographic exposure to determine that the sealed source has been returned to its shielded position. The survey must include the entire circumference of the radiographic exposure device and any source guide tube.

Contrary to the above, on June 14, 1995, during radiographic operations at the Hawaiian Electric Company Kahe Unit 5 Power Plant, a licensee radiographer did not perform an adequate survey after a radiographic exposure to determine that the sealed source had been returned to its shielded position in that the survey only included a portion of the source guide tube. (01032)

These violations represent a Severity Level II problem (Supplement VI). Civil Penalty—$8,000

Summary of Licensee's Response to Violations I.A, I.B, and I.C

The Licensee argued that there are several parts to each of the cited requirements for the above violations and that only one part of each requirement was violated. In addition, the Licensee denied that it should be held responsible for the violations because they resulted from independent decisions made by one of its radiographers.

DHT did not admit responsibility for the violations, all of which DHT asserts resulted from the independent actions of the same radiographer who, DHT states, was experienced and appropriately trained. DHT also noted that the NRC found no negligence on DHT's part with respect to its radiation safety program or training of employees.

NRC Evaluation of the Licensee's Response to Violations I.A, I.B, and I.C

The sections of 10 CFR Part 34 cited in the Notice set forth a number of requirements, and, in some cases, more than one requirement is contained in the same subsection or paragraph. As an NRC licensee, DHT is required to comply with each and every requirement in every instance in which a requirement applies. In this case, DHT failed to ensure that: (1) The sealed source was secured in the camera, (2) an adequate survey was performed, and (3) an alarm ratemeter was worn during radiographic operations; and the Licensee did not dispute the fact that these violations occurred. Therefore, the NRC concludes that the violations occurred as stated.

The NRC strongly disagrees with, and is concerned about, DHT's failure to accept responsibility for the violations. The Commission resolved the responsibility issue between a licensee and its employees in its decision concerning the Atlantic Research Corporation case, CLI–80–7, dated March 14, 1980, a copy of which is enclosed. In that case, the Commission stated, in part, that ''a division of responsibility between a licensee and its employees has no place in the NRC regulatory regime which is designed to implement our obligation to provide adequate protection to the health and safety of the public in the commercial nuclear field.''

The NRC does not specifically license the management or the employees of a company; rather, the NRC licenses the entity. The licensee uses, and is responsible for the possession of, licensed material. The licensee is the entity that hires, trains, and supervises the employees. All licensed activities are carried out by employees of licensees and, therefore, all violations are committed by employees of licensees. The licensee obtains the benefits of the employees good performance and suffers the consequences of their poor performance. Not holding the licensee responsible for the action of its employees, whether negligent or willful, is tantamount to saying that the licensee is not responsible for the use or possession of licensed material. If the NRC accepted DHT's position: (1) The NRC would have little ability to ensure its requirements on licensees were met and the public health and safety were protected; and (2) there would be little incentive for licensees to monitor their activities to assure compliance. Therefore, the NRC holds licensees responsible for the actions of their employees (''General Statement of Policy and Procedure for NRC Enforcement Actions'' (Enforcement Policy), NUREG–1600, Section VI.A). With regard to the DHT's argument that the NRC found no negligence on DHT's part and found its radiation safety and training programs adequate, the NRC considers this irrelevant to whether a violation occurred. As to civil penalties, Section VI.B of the Enforcement Policy provides that ''the lack of management involvement may not be cause to mitigate a civil penalty.''

Summary of the Licensee's Request for Mitigation

The Licensee offered numerous arguments for mitigation of the proposed penalty. Below is a summary listing of the Licensee's arguments that are related to its request for mitigation, some of which have been consolidated. The NRC's evaluation follows each argument.

1. DHT argued that it should be given credit for identifying the violations, in accordance with Section VI.B.2 of the NRC Enforcement Policy (Policy).

NRC Evaluation

DHT correctly notes that credit may be given for identification through an event. The NRC agrees that the licensee responded promptly and thoroughly to the event, and that the licensee's investigation was important in determining the actual circumstances that resulted in the event. However, the intent of this provision is to allow credit only in situations where a licensee's investigation following an event uncovers violations and problems that were not apparent (for example, where a licensee uncovers programmatic weaknesses in procedures or training or design of equipment and takes action to correct those in addition to taking action to correct the direct causes of the event).

The Policy notes that ''ease of discovery'' and ''licensee self-monitoring effort'' are two of the factors that will be considered. In the case at hand, the NRC believes that the violations that resulted in the incident were easily discovered and were not identified as a result from a DHT self-monitoring effort, such as an audit or a program review. The overriding Policy principle in this case is to emphasize the importance of preventing events that threaten the safety of employees or members of the public. After considering the guidance in Section VI.B.2.b and in particular sub paragraph (iv) the NRC concludes that the Licensee did not provide an adequate basis for mitigating the civil penalty based on DHT's identification.

2. DHT argued that the violations do not appear to fit any of the examples of Severity Level II violations in Supplement VI, and that they appear to fit Example C.7 in Supplement VI (''A breakdown in the control of licensed activities involving a number of violations . . .''). The Licensee argued therefore that the violations should have been classified at Severity Level III.

NRC Evaluation

As noted in Section IV of the Policy, the examples in the supplements are neither exhaustive nor controlling. The NRC noted in the letter proposing the civil penalty that each of the violations that formed the basis for the civil penalty could have been classified at Severity Level III (Supplement VI, C.8) and, therefore, could have been assessed separate penalties. Factoring in the significance of the violations, their relationship to a single event, and the involved willfulness on the part of the radiographer with respect to at least one of the violations, the NRC utilized its discretion to consider the violations collectively and to treat them at the next highest severity level, Severity Level II.

3. DHT argued that compliance was achieved in a major portion of all three of the regulations, substantiating that the radiographer had knowledge of the requirements and was not operating under a total disregard for the safety requirements, but rather under a potentially significant lack of attention or carelessness toward licensed activities. In addition, DHT contends that the violations appear to fit the criteria in Section VII.B.1.(d)(iii) for enforcement discretion because the violations appeared to be an isolated act of an employee without management involvement.

NRC Evaluation

The NRC agrees with DHT's views concerning the radiographer's conduct. However, the Licensee's argument is not applicable with regard to mitigation of the civil penalty. As to DHT's contention that the violations appear to fit the criteria in Section VII.B.1.(d)(iii), the NRC disagrees with the Licensee because Section VII.B.1.(d)(iii) concerns licensee-identified Severity Level IV violations, not Severity Level II violations. Moreover, a radiographer, for purpose of the Enforcement Policy, is not a ''low-level individual.'' Therefore, enforcement discretion based on Section VII.B.1. does not apply to this case.

4. DHT cited several corrective actions which went beyond those described at the predecisional enforcement conference and therefore were not considered in the decision to propose a civil penalty. The additional corrective actions cited by DHT included 40-hour (versus 8-hour) refresher training for all radiography personnel who have been with the company for more than 1 year and are due for annual refresher training.

NRC Evaluation

These corrective actions were taken by the Licensee after the conference and were not factored into the decision-making process. Although the NRC gave the Licensee credit for its corrective actions in determining the proposed civil penalty amount, the NRC considers these additional corrective actions noteworthy because they go beyond what most small radiography licensees commit to and are somewhat beyond our expectations, given the circumstances of this case. Therefore, the NRC believes that discretion should be utilized to mitigate the proposed civil penalty by $3,000.

NRC Conclusion

The NRC has considered all of the arguments the Licensee made and concluded that the violations occurred as stated in the original Notice and that they were appropriately classified as a Severity Level II problem. However, given the extensive corrective actions committed to by this Licensee, particularly the additional training of its radiography personnel, the NRC has determined that a basis exists for exercising discretion to reduce the proposed penalty by $3,000. Consequently, a civil penalty in the amount of $5,000 should be imposed.

EVALUATION OF VIOLATIONS NOT ASSESSED A CIVIL PENALTY

Of the violations not assessed a civil penalty, Diamond H Testing Company (DHT or Licensee) neither admitted nor denied Violations II.A and Violation II.B. However, the Licensee again argued that the violations were the result of independent actions by its radiographer. In addition, the Licensee questioned the validity of citing 10 CFR 20.1801 with regard to Violation II.B.

Restatement of Violation II.B

B. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in an unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, during an 8 to 10 minute period between approximately 9:45 p.m. and 10:00 p.m. on June 14, 1995, the licensee did not secure from unauthorized removal or limit access to a 48.2 curie iridium-192 sealed source in a Gamma Century exposure device located on the 9th floor of the Hawaiian Electric Company Kahe Unit 5 Power Plant, an unrestricted area, nor did the licensee control and maintain constant surveillance of this licensed material. (03014)

This is a Severity Level IV violation (Supplement IV).

Summary of Licensee's Response to Violation II.B

The Licensee questioned the validity of including 10 CFR 20.1801 as applying to the circumstances in question. The Licensee stated that ''It [the exposure device] had been left for a period of 8 to 10 minutes when the radiographer went to notify the RSO [radiation safety officer] of the situation.'' DHT's position is that 10 CFR 20.1801, which was cited in conjunction with 10 CFR 20.1802, should not apply because the radiography camera was not ''stored'' at the field site location.

NRC Evaluation of Licensee's Response

The Licensee admits that the camera was left in an unrestricted area and neither secured the material from unauthorized removal nor maintained constant surveillance of the licensed material. Therefore, while the NRC agrees with DHT that 10 CFR 20.1801 may not have applied, the NRC concludes that Licensee failed to comply with these requirements.

NRC Conclusion

Based on the above, the NRC concludes that the licensee has not provided an adequate basis for withdrawal of the Violation II.B. Therefore, the Violation II.B occurred as stated in the Notice.

[FR Doc. 96–5993 Filed 3–12–96; 8:45 am]
BILLING CODE 7590–01–P

[Docket No. 50–482]

Wolf Creek Nuclear Operating Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–42, issued to Wolf Creek Nuclear Operating Corporation (the licensee), for operation of the Wolf Creek Nuclear Generating Station located in Coffey County, Kansas.

The proposed amendment would revise Technical Specification Figure 2.1–1, ''Reactor Core Safety Limit—Four Loops in Operation,'' Table 2.2–1, ''Reactor Trip System Instrumentation Setpoints,'' and Table 3.2–1, ''DNB Parameters,'' to allow operation of the Wolf Creek Nuclear Generating Station (WCGS) with decreased indicated reactor coolant system (RCS) flow.

The requested change is required to allow WCGS to operate at full rated power following restart after the eighth refueling outage should the indicated flow be below the current minimum measured flow.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The probability of occurrence and the consequences of an event evaluated previously in the Updated Safety Analysis Report (USAR) are not increased due to the proposed technical specification changes. The technical specification changes being requested are to reflect revised core design parameters affected by the Cycle 9 core reload geometry, and instrumentation setpoint changes needed to ensure accurate measurement of reactor thermal power in order to allow the unit to operate at rated thermal power during Cycle 9. Each USAR Chapter 15 event was evaluated to determine the impact of the reduction in thermal design flow. The events in which the margin to the acceptance criteria was decreased were reanalyzed to support the 3.5% flow reduction. Generally, the RCS heat-up events fall into this category as the reduction in RCS flow results in decreased heat removal capacity. Evaluations of these events were performed using bounding core state parameters based on the previous Safety Analysis submitted in support of the WCGS Power Rerate Program, approved in WCGS Technical Specification Amendment 69. Results of the analyses and evaluations performed for the reduction in thermal design flow for Cycle 9 indicate that all acceptance criteria for USAR Chapter 15 events continue to be met.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The requested changes do not create the possibility of a new or different kind of event or malfunction from any previously evaluated. The proposed changes do not change the method and manner of plant operation, nor is any new equipment being installed. Neither the proposed reduction in thermal design flow nor the increase in the Low Pressurizer Pressure Trip setpoint will create the possibility of an event of a different type than previously evaluated in the USAR.

The proposed Technical Specification changes are bounded by the current conditions with respect to system dynamic loading, environmental equipment qualification, and rejection of heat to the Ultimate Heat Sink. These analyses are bounded by the current analyses due to the conclusion that the mass and energy releases will not be impacted by the proposed change. This conclusion is also based on the fact that the current operating conditions bound the proposed operating conditions with respect to the secondary system operating parameters.

3. The proposed change does not involve a significant reduction in a margin of safety.

In general, the Low Pressurizer Pressure Trip setpoint is chosen at a conservatively low value (1885 psig) for the safety analyses. The safety margin (to prevent DNB) is provided by setting the Technical Specification limit for the Low Pressurizer Pressure Trip setpoint at its current value of 1915 psig. Increasing this reactor trip setpoint 25 psi (from 1915 psig to 1940 psig) would result in a net benefit to all analyses which assume its use, as well as of setting a potential reduction in the margin of safety for this parameter, caused by the reduction in TDF. Therefore, the current Safety Analysis Limit of 1885 psig will continue to be used in the WCGS event analyses.

The proposed changes do not change the plant configuration in a way that introduces a new potential hazard to the plant and do not involve a significant reduction in the margin of safety. The analyses and evaluations discussed in the safety evaluation demonstrate that all applicable design criteria continue to be met for the changes. Therefore, it is concluded that the margin of safety, as described in the bases to any technical specification, is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 12, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and the Washburn University School of Law Library, Topeka, Kansas 66621. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene.

Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William D. Bateman, Director, Project Directorate IV–2: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 8, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms, located at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and the Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 11th day of March 1996.

For the Nuclear Regulatory Commission

James C. Stone,

Senior Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–6113 Filed 3–11–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 40–3453]

Atlas Corporation

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of comment period.

SUMMARY: On January 30, 1996, the U.S. Nuclear Regulatory Commission (NRC) published a notice of availability of a Draft Environmental Impact Statement and a Draft Technical Evaluation Report regarding the proposed reclamation by Atlas Corporation of an existing uranium mill tailings pile near Moab, Utah. The comment period for these documents was 60 days from the date of the notice. The NRC has received requests to extend the comment period, based on the complexity of the documents and delays in their receipt. After review, the NRC has determined that it would be appropriate to extend the comment period 30 days. Therefore, the comment period will be extended to April 29, 1996. Comments received after that date will be considered to the extent practical. Comments on either document should be sent to Chief, Uranium Recovery Branch, Mail Stop TWFN 7–J9, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Dr. Myron Fliegel, Uranium Recovery Branch, Mail Stop TWFN 7–J9, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415–6629.

Dated at Rockville, Maryland, this 7th day of March 1996.

For the U.S. Nuclear Regulatory Commission.

Joseph J. Holonich,

Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–5991 Filed 3–12–96; 8:45 am]

BILLING CODE 7590–01–P

Biweekly Notice

Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 16, 1996, through March 1, 1996. The last biweekly notice was published on February 28, 1996 (61 FR 7542).

Notice Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By April 12, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one

contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: September 16, 1994, as supplemented on January 31, 1996.

Description of amendment request: The proposed amendment would revise the technical specifications to eliminate periodic response time testing requirements for selected pressure and differential pressure sensors in the reactor trip system and engineered safety features actuation instrumentation channels.

Basis for proposed no significant hazards consideration determination: As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change to the Technical Specifications does not result in a condition where the design, material, and construction standards that were applicable prior to the change are altered. The same RTS and ESFAS instrumentation is being used; the time response allocations/modeling assumptions in the Updated Final Safety Analysis Report (UFSAR), Chapter 15, Accident Analyses, are still the same; only the method of verifying time response is changed. The proposed change will not modify any system interface and could not increase the likelihood of an accident since these events are independent of this change. The proposed activity will not change, degrade or prevent actions or alter any assumptions previously made in evaluating the radiological consequences of an accident described in the UFSAR. Therefore, the proposed amendment does not result in any increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This change does not alter the performance of the identified pressure and differential pressure transmitters and switches used in the plant protection systems. All sensors will still have response time verified by test before placing the sensor in operational service, and after any maintenance that could affect response time. Changing the method of periodically verifying instrument response for these sensors (assuring equipment operability) from time response testing to calibration and channel checks does not result in any design, installation, or operational changes and thus will not create any new accident initiators or scenarios. Periodic surveillance of these instruments will detect significant degradation in the sensor response characteristics. Implementation of the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

This change does not affect the total system response time assumed in the safety analyses. The periodic system response time verification method for the identified pressure and differential pressure sensors and switches is modified to allow use of (1) historical records based on acceptable response time tests (hydraulic, noise, or power interrupt tests), (2) inplace, onsite or offsite (e.g. vendor) test measurements, or (3) using vendor engineering specifications.

The method of verification still provides assurance that the total system response is within that defined in the safety analyses, since calibration tests will detect any degradation which might significantly affect sensor response time. Based on the above, it is concluded that the proposed license amendment request does not result in a reduction in margin with respect to plant safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: For Byron, the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603

NRC Project Director: Robert A. Capra

Duquesne Light Company, et al., Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: February 12, 1996

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 4.6.2.2.d to delete the reference to the specific test acceptance criteria for the Containment Recirculation Spray Pumps and replace the specific test acceptance criteria with

reference to the requirements of the Inservice Testing (IST) Program. In addition, the 18-month test frequency would be replaced with the test frequency requirements specified in the IST Program. The proposed amendment would make this TS the same as Beaver Valley Power Station, Unit No. 2 TS 4.6.2.2.d which was revised by License Amendment No. 68 on May 3, 1995.

The proposed amendment would also revise the Bases of TS 4.6.2.2.d for both Unit Nos. 1 and 2 to describe the proposed revision to TS 4.6.2.2.d.

Basis for proposed no significant hazards consideration determination: As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The change does not result in a modification to plant equipment nor does if affect the manner in which the plant is operated. The Recirculation Spray System (RSS) pumps are normally in a standby condition and only operate during accident mitigation. Since the physical plant equipment and operating practices are not changed, as noted above, there is no change in the probability of an accident previously evaluated.

The proposed change, for Beaver Valley Power Station (BVPS) Unit No. 1 only, will not lower the pump performance operability criteria for the RSS pumps. The required values for developed pump head and flow will continue to satisfy accident mitigation requirements and will be maintained and controlled in the BVPS Unit No. 1 Inservice Testing (IST) Program.

Since the proposed change does not lower the RSS pump performance acceptance criteria, the containment depressurization system will continue to meet its design basis requirements. The proposed change will not impose additional challenges to the containment structure in terms of peak pressure. The calculated offsite does consequences of a design basis accident (DBA) will remain unchanged since the one hour release duration remains unchanged. Future changes to the RSS pump head and flow requirements will be made under the 10 CFR 50.59 process to ensure that the containment performance requirements continue to be met.

The proposed change in the RSS pump surveillance interval from 18 months to every refueling, will not affect the ability of the pumps to perform as assumed in the Safety Analyses. The proposed change to the Bases section, for BVPS Unit Nos. 1 and 2, will ensure that safety analyses assumptions for assumed pump performance continue to be met. The words ''required developed head'' will be clearly defined to reflect that they refer to the value assumed in the safety analysis for the recirculation spray pump's developed head at a specific point. The proposed changes to the Index pages are administrative in nature and do not affect plant safety. Therefore, the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

Based on the above discussion, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not alter the method of operating the plant. The recirculation spray system is an accident mitigation system and is normally in standby. System operation would be initiated following a containment pressure increase resulting from a DBA. The RSS pumps will continue to provide sufficient flow to mitigate the consequences of a DBA. RSS operation continues to fulfill the safety function for which it was designed and no changes to plant equipment will occur. As a result, an accident which is new or different than any already evaluated in the Updated Final Safety Analysis Report will not be created due to this change.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The surveillance requirements for demonstrating that the RSS pumps are operable will continue to assure the ability of the system to satisfy its design function. Therefore, the proposed change will not affect the ability of the RSS to perform its safety function.

The containment spray system design requirement to restore the containment to subatmospheric condition within one hour will continue to be satisfied. This proposed change does not have any affect on the containment peak pressure since the containment peak pressure occurs prior to the initiation of any of the two containment spray systems. There is no resultant change in dose consequences since the containment will continue to reach a subatmospheric pressure within the first hour following a DBA.

The RSS pumps' performance requirements will continue to be controlled in a manner to ensure safety analysis assumptions are met.

Therefore, based on the above discussion, it can be concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: John F. Stolz

IES Utilities Inc., Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: November 30, 1995

Description of amendment request: The proposed amendment would implement the Option I-D long-term stability solution and remove the existing SIL-380 Rev. 1-based specifications. In addition, the proposed change would require a plant scram be initiated should the plant enter natural circulation conditions and would prohibit restarting a recirculation pump while in natural circulation. The proposed change would define natural circulation. Finally, this change would delete Technical Specification (TS) actions and surveillance requirements related to core plate differential pressure noise while in single recirculation pump operation (SLO).

Basis for proposed no significant hazards consideration determination:

As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The implementation of the [boiling water reactor] BWR Owner's Group long term solution Option I-D does not modify the assumptions in the existing accident analysis. The use of an exclusion region and the operator actions required to avoid and minimize operation inside the region do not increase the possibility of an accident. Licensing Topical Report, 'Evaluation of the ''Regional Exclusion with Flow-Biased APRM [average power range monitor] Neutron Flux Scram'' Stability Solution', GENE-A000-04021-01 (attachment 1) demonstrates that the APRM flow-biased scram function provides a high degree of assurance that the fuel safety limit will not be exceeded should power oscillations occur during plant operation within the restricted region. Regional mode core oscillations are not predicted to occur at the [Duane Arnold Energy Center] DAEC because of its small core size and tight core inlet orifices. Conditions for operation outside of the exclusion region are within the assumptions of the existing accident analysis. The operator action requirement to exit the exclusion region upon entry minimizes the probability of an instability event occurring. Inserting control rods or increasing recirculation flow, the evolutions to be used to exit the region, are normal plant maneuvers.

The proposed clarifications to explicitly direct the operator to initiate a reactor scram

in the event of operation in natural circulation are conservative and consistent with current plant operating practices. Likewise, the proposed prohibition from starting a recirculation pump as a means of exiting the natural circulation mode of operation is also conservative. Therefore, the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The core plate differential pressure noise surveillances that are performed while in single recirculation pump operation were included in TS Amendment t119 due to NRC concerns at the time that high core plate noise observed during [single-loop operation] SLO at Brown's Ferry in 1985 could be an indication of thermal hydraulic instability. [General Electric] GE has since determined that core plate differential pressure noise is not a cause of thermal hydraulic instability and that the noise does not pose a safety concern. Therefore, the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2) The proposed license amendment does not create the possibility of a new or different kind of accident from any previously evaluated. As stated above, the proposed changes either mandate operation within the envelope of previously analyzed plant operating conditions or direct the operator to immediately return the plant to within these analyzed conditions using normal plant maneuvers. In addition, analysis has demonstrated that the APRM flow-biased scram function provides a high degree of assurance that the fuel safety limit will not be exceeded should power oscillations occur during plant operation within the restricted region. Therefore, the potential for a new or different type of accident from those previously evaluated is not created.

The proposed clarifications to explicitly direct the operator to initiate a reactor scram in the event of operation in natural circulation are conservative and consistent with current plant operating practices. Likewise, the proposed prohibition from starting a recirculation pump as a means of exiting the natural circulation mode of operation is also conservative. Therefore, the potential for a new or different type of accident from those previously evaluated is not created.

The core plate differential pressure noise surveillances that are performed while in single recirculation pump operation were included in TS Amendment t119 due to NRC concerns at the time that high core plate noise observed during SLO at Brown's Ferry in 1985 could be an indication of thermal hydraulic instability. GE has since determined that core plate differential pressure noise is not a cause of thermal hydraulic instability and that the noise does not pose a safety concern. Therefore, the potential for a new or different type of accident from those previously evaluated is not created.

3) The proposed amendment will not reduce the margin of safety. The combination of the proposed requirements to avoid possible unstable conditions and the automatic flow biased high reactor flux scram provide defense in depth to provide fuel protection. Therefore the individual or combination of means to detect and suppress thermal hydraulic instability supplements the margin of safety.

The proposed specification related to initiating a reactor scram while in natural circulation is conservative. Likewise, the proposed prohibition from starting a recirculation pump as a means of exiting the natural circulation mode of operation is also conservative and therefore does not constitute a reduction in the margin of safety.

The core plate differential pressure noise surveillances that are performed while in single recirculation pump operation were included in TS Amendment t119 due to NRC concerns at the time that high core plate noise observed during SLO at Brown's Ferry in 1985 could be an indication of thermal hydraulic instability. GE has since determined that core plate differential pressure noise is not a cause of thermal hydraulic instability and that the noise does not pose a safety concern. Therefore, the elimination of these surveillance tests does not constitute a reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on thisreview, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401

Attorney for licensee: Jack Newman, Kathleen H. Shea, Morgan, Lewis, & Bockius, 1800 M Street, NW., Washington, DC 20036-5869

NRC Project Director: Gail H. Marcus

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: November 16, 1995

Description of amendment request: The proposed amendment would revise the technical specifications (TS) to add a Limiting Condition for Operation and surveillance test for safety related inverters and deletes requirements for non-safety related instrument buses.

Basis for proposed no significant hazards consideration determination:

As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes will delete requirements from the Technical Specifications (TS) for non-safety related 120 Volt a-c instrument panels AI-42A and AI-42B, and incorporate new requirements for the safety-related 125 Volt d-c to 120 Volt a-c inverters (A, B, C, and D) similar to the Standard Technical Specification for Combustion Engineering plants as contained in NUREG-1432.

TS 2.7 requires that 120 Volt instrument panels AI-42A and AI-42B be operable whenever the reactor coolant temperature is above 300 —F. Either of these instrument panels may be inoperable for up to 8 hours or a plant shutdown is required. These instrument panels are non-safety related and do not receive or actuate any Engineered Safeguards Features (ESF) or Reactor Protection System (RPS) and the panels are not required for, nor do they indicate the status of, containment integrity. The FCS plant specific Probabilistic Risk Assessment (PRA) model was reviewed to determine the effect of unavailability of these instrument panels on the core damage frequency. The results of the review show that the unavailability of these panels is not a contributor to risk. Therefore these instrument panels do not meet any of the four criteria contained in 10 CFR 50.36 for inclusion into TS. The operation of these panels are controlled by plant procedures that are governed by 10 CFR 50.59.

Therefore, deletion of the requirements for AI-42A and AI-42B from the TS would not significantly increase the probability or consequences of an accident previously evaluated.

It is also proposed to incorporate new requirements for the safety-related 125 Volt d-c to 120 Volt a-c inverters (A, B, C, and D). Currently, there are no TS requirements for inoperability of the safety-related inverters. However, if an inverter is inoperable and its associated 120 Volt a-c instrument bus is powered by its safety-related bypass transformer, the a-c instrument bus is considered inoperable and an 8 hour Limiting Condition for Operation is applied. The bus is declared inoperable even though it is being powered from a safety related power source because this source is not an uninterruptible power supply. Operating experience has shown that, in many instances, 8 hours is insufficient time to troubleshoot and conduct repairs on an inverter. FCS initiated a TS required plant shutdown in November 1994, and again in January 1995, due to inoperable inverters that could not be repaired in the 8 hours allowed by TS. If FCS had 24 hours to conduct repairs, a power reduction, and the potential to challenge plant systems, would not have been necessary.

The proposed change does not increase the probability of an accident since loss of power to a vital bus is not an initiator of any analyzed accident. The proposed change does not increase the consequences of any accident since the TS currently allow one 120 V instrument bus to be inoperable and de-energized. The proposed change would only allow one 120 V instrument bus to be energized from a safety related bypass source. The proposed changes do not reduce the number of RPS or ESF actuation channels that are required to be operable. Should a

loss of offsite power event occur, power to the instrument bus would only be interrupted during the time required for the emergency diesel generator to start and load.

The FCS plant specific PRA model was reviewed to determine the effect of unavailability of the 120 V instrument panels supplied by inserters A, B, C, and D on the core damage frequency. The results of the review show that the loss of one of the panels has an insignificant effect on the PRA model. Therefore, the proposed change of allowing a 24 hour period with one instrument panel powered from a interruptible power supply has a insignificant effect on the PRA results.

Therefore, the proposed change to include specific operability requirements for safety related inverters does not significantly increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There will be no physical alterations to the plant configuration, changes to setpoint values, or changes to the implementation of setpoints or limits as a result of these proposed changes. The proposed changes do not reduce the number of RPS or ESF actuation channels that are required to be operable. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes delete TS requirements for nonsafety related instrument panels and incorporate additional operability requirements for safety related inverters. The proposed changes do not revise any setpoints or limits monitored by the instrument panels or buses. In addition, a review of the FCS plant specific PRA shows that these proposed changes are insignificant to core damage frequency. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: Perry D. Robinson, Winston & Strawn, 1400 L Street, N.W., Washington, DC 20005-3502

NRC Project Director: William H. Bateman

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: February 1, 1996

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to allow an increase in the initial nominal enrichment limit of fuel assemblies to be stored in the spent fuel pool.

Basis for proposed no significant hazards consideration determination:

As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the Technical Specifications to increase the enrichment limit for fuel assembly storage requirements does not involve a significant increase in the probability of an accident. The enrichment limit is not a precursor to any analyzed event and therefore cannot impact probability.

The safety evaluation for the existing Spent Fuel Pool (SFP) storage racks was approved by the NRC in Amendment 155 (TAC M85116). This amendment approved the current limit on fuel enrichment, and the mechanical, structural, and thermal/hydraulic design of the fuel racks. This amendment also evaluated the radiological consequences of a fuel handling accident with fuel enrichments equivalent to the proposed change. The proposed change will not impact this previously approved evaluation with the exception of the nuclear criticality analysis. The nuclear criticality analysis supporting the proposed change used calculational methods conforming to NRC guidance, industry codes, standards, and specifications. In meeting the acceptance criteria for criticality in the SFP, such that k_{eff} is always less than or equal to O.95 at a 95%/95% probability tolerance level, the proposed change from 4.2 weight percent (w/o) to 4.5 w/o Uranium-235 (U^{235}) does not involve an increase in the consequences of an accident previously evaluated.

Therefore, it is concluded that the proposed change to increase the enrichment limit for fuel storage does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change was evaluated in accordance with the guidance of the NRC Position Paper entitled, ''OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications'', appropriate sections of the NRC Standard Review Plan, Regulatory Guides, industry codes, and standards. In addition, the NRC Safety Evaluation Report for Amendment 155 was also reviewed with respect to the proposed change.

No new or different mode of operation is proposed. No unproven technology was utilized in the analytical techniques necessary to justify the planned fuel storage change. The analytical techniques used have been developed and used in over 15 applications previously approved by the NRC. Based upon the reviews, it is concluded that the proposed change does not create the possibility of a new or different type accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The only margin of safety potentially impacted by the proposed change is related to nuclear criticality considerations. The established acceptance criterion for criticality is that the neutron multiplication factor in spent fuel pools shall be less than or equal to 0.95, including all uncertainties, under all conditions. This margin of safety has been adhered to in the criticality analysis methods for the proposed change. Therefore the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: Perry D. Robinson, Winston & Strawn, 1400 L Street, N.W., Washington, DC 20005-3502

NRC Project Director: William H. Bateman

PECO Energy Co., Public Service Electric and Gas Co., Delmarva Power and Light Co., and Atlantic City Electric Co., Dockets Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: December 21, 1995

Description of amendment request: The proposed amendments would modify the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3 Facility Operating Licenses (FOLs) to provide for elimination of outdated or superseded material regarding, among other things, environmental monitoring and modifications to the low pressure coolant injection system, and for making the FOL of Unit 2 consistent with the FOL of Unit 3.

Basis for proposed no significant hazards consideration determination:

As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The changes proposed in the Application do not constitute a Significant Hazards Consideration in that:

i) The proposed changes do not involve a significant increase in the probability or

consequences of an accident previously evaluated because the changes are purely administrative and do not involve any physical changes to plant SSC [structures, systems, and components]. Therefore, these changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

ii) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because the changes will not alter the plant or the manner in which the plant is operated. The changes do not allow plant operation in any mode that is not already evaluated in the safety analysis. The changes will not alter assumptions made in the safety analysis and licensing bases. Therefore, these changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

iii) The proposed changes do not involve a significant reduction in a margin of safety because they are purely administrative and have no impact on any safety analysis assumptions.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V. P. and General Counsel, PECO Energy Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

NRC Project Director: John F. Stolz

Pennsylvania Power and Light Company, Docket No. 50-388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of amendment request: January 11, 1996

Description of amendment request: The proposed amendment adds a new action statement to Section 3.8.3.1. of the Technical Specifications which precludes the need for entry into Limiting Condition for Operation (LCO) 3.0.3 to allow the performance of certain Emergency Diesel Generator testing.

Basis for proposed no significant hazards consideration determination: As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not:

I. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to allow 8 hours to perform Emergency Diesel Generator testing and eliminate the need to enter LCO 3.0.3 to perform this testing does not increase the chances for a previously analyzed accident to occur. The 8 hour time limit before requiring a unit shutdown balances the benefit of performing the required test with the low probability of a LOCA/LOOP [loss-of-coolant accident/loss of offsite power] while being in the degraded condition for the duration of the test. To ensure that this risk is minimized, a significant amount of precautions are taken prior to test initiation. The governing surveillance procedures have a very restrictive list of test prerequisites and limitations, which ensure the availability of remaining ac [alternating current] electrical power distribution systems and reduce the potential for any single failure. The allowance of 8 hours to complete the required test prior to initiating shutdown actions ensures operator attention is focused on minimizing the potential loss of power to the remaining division, and restoring power to the effected division upon test completion; thus, not redirecting operator attention towards a plant shutdown per 3.0.3. Therefore, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

II. Create the possibility of a new or different kind of accident from any accident previously evaluated.

Inhibiting the ESS [electronic switching system] Buses in Unit 1 requires that an LCO be entered in Unit 2 due to the common loads shared between the Units. However, performance of the LOCA/LOOP or LOOP surveillance procedures does not cause any diesel generator to become inoperable as a result of inhibiting an ESS Bus. The time frame the diesels are fully loaded in the testing evolution is for a five-minute period to fulfill a Technical Specification requirement. If at that precise moment a LOCA/LOOP occurs in the operating unit, the ESS Buses in Unit 1 and 2 will de-energize except for the ESS Buses that are already connected to the diesels. In the first few minutes of a postulated LOCA/LOOP occurring in the operating Unit while performing a LOCA/LOOP test, the operator would have to take immediate action to shed non-essential loads from the diesels in the Unit under test to prepare the diesels for the shutdown loads via the load sequence timers in the operating unit. Existing emergency procedures require that these actions will be taken. Therefore, the incorporation of this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

III. Involve a significant reduction in a margin of safety.

With one or more required ac buses, (two load groups) de-energized, the remaining ac electrical power distribution subsystems are capable of supporting the minimum safety functions necessary to shutdown the reactor and maintain it in a safe shutdown condition, assuming no single failure. The overall reliability is reduced, however, because a single failure in the remaining power distribution subsystems could result in the minimum required ESF [engineered safety feature] functions not being supported. Therefore, the required ac buses must be restored to OPERABLE status within a relatively short period of time. Eight hours has been accepted by the NRC as documented in NUREG-1433, Revision 1, ''Standard Technical Specifications.'' Therefore, the incorporation of this change will not involve a significant reduction in the margin to safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) aresatisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037

NRC Project Director: John F. Stolz

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: February 5, 1996

Description of amendment request: The proposed amendment would revise Davis-Besse Nuclear Power Station (DBNPS) Technical Specification (TS) 3/4.3.2.1 - Safety Features Actuation System Instrumentation and its associated Bases. The revision changes the following items in the Sequence Logic Channels portion of Table 3.3-3: Functional Unit 4.a, Sequencer; Functional Unit 4.b, Essential Bus Feeder Breaker Trip (90%); Functional Unit 4.c, Diesel Generator Start, Load Shed on Essential Bus (59%); and the associated Bases, to clarify the design and actuation logic and to specify actions to take if instrumentation channels become inoperable.

Basis for proposed no significant hazards consideration determination:

As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Toledo Edison has reviewed the proposed changes and determined that a significant hazards consideration does not exist because operation of the Davis-Besse Nuclear Power Station, Unit No. 1 in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously

evaluated because the proposed change to accurately reflect the design and actuation logic of the sequencers and essential bus undervoltage relays, and provide TS actions for two inoperable functional units does not make a change to any accident initiator, initiating condition or assumption. The accident previously evaluated in the DBNPS Updated Safety Analysis Report (USAR) Section 15.2.9, Loss of All AC Power to the Station Auxiliaries (Station Blackout), is not affected by this proposed change. The proposed action statements maintain the USAR requirement for starting and loading of one [emergency diesel generator] EDG to meet the minimum [engineered safety features] ESF requirements. The proposed change accurately reflects the plant design, therefore, the change does not involve a significant change to the plant design or operation.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because the proposed changes do not invalidate assumptions used in evaluating the radiological consequences of an accident, do not alter the source term or containment isolation and do not provide a new radiation release path or alter potential radiological releases.

2. Not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed changes do not introduce a new or different accident initiator or introduce a new or different equipment failure mode or mechanism.

3. Not involve a significant reduction in a margin of safety because the proposed changes do not reduce the margin to safety which exists in the present TS or USAR. The proposed changes permit continued operation with one unit of the sequencer, 59% or 90% undervoltage protection inoperable provided the unit is placed in the tripped condition which is consistent with the current TS. With two units of the same function inoperable the associated EDG is declared inoperable and the requirements of the TS for an inoperable EDG entered, including verification that the requirements of TS 3.0.5 are met to assure that the minimum ESF requirement is met. The operability requirements of the proposed TS are consistent with the initial condition assumptions of the safety analyses.

The NRC staff has reviewed the licensees' analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, Ohio 43606

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: Gail H. Marcus

Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: February 5, 1996

Description of amendment request: The proposed amendment would correct typographical errors, textual inconsistencies, and minor errors. In addition, equipment identification numbers would be added to the tables.

Basis for proposed no significant hazards consideration determination:

As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The administrative changes proposed herein will have no effect on plant hardware, plant design, safety limit setting, or plant system operation and therefore do not modify or add any initiating parameters that would significantly increase the probability or consequences of any previously analyzed accident.

2. These changes do not affect any equipment nor do they involve any potential initiating events that would create any new or different kind of accident. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. These changes do not affect any equipment involved in potential initiating events or safety limits. Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301

Attorney for licensee: R. K. Gad, III, Ropes and Gray, One International Place, Boston, MA 02110-2624

NRC Project Director: Ledyard B. Marsh

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Power Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: February 8, 1996

Description of amendment request: The proposed amendments will modify Technical Specification Section 15.3.10, ''Control Rod and Power Distribution Limits,'' and Section 15.4.1, ''Operational Safety Review.'' Changes and additions are proposed to clarify the specifications and to more closely conform to current staff guidance.

Basis for proposed no significant hazards consideration determination:

As required by 10 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Operation of this facility under the proposed Technical Specifications change will not create a significant increase in the probability or consequences of an accident previously evaluated.

The probabilities of accidents previously evaluated are based on the probability of initiating events for these accidents. Initiating events for accidents previously evaluated for Point Beach include: control rod withdrawal and drop, CVCS [chemical and volume control system] malfunction (boron dilution), startup of an inactive reactor coolant loop, reduction in feedwater enthalpy, excessive load increase, losses of reactor coolant flow, loss of external electrical load, loss of normal feedwater, loss of all AC power to the auxiliaries, turbine overspeed, fuel handling accidents, accidental releases of waste liquid or gas, steam generator tube rupture, steam pipe rupture, control rod ejection, and primary coolant system ruptures.

The consequences of the accidents previously evaluated in the PBNP [Point Beach Nuclear Plant] FSAR [Final Safety Analysis Report] are determined by the results of analyses that are based on initial conditions of the plant, the type of accident, transient response of the plant, and the operation and failure of equipment and systems.

This change request proposes to improve the clarity of the requirements concerning shutdown margin, rod group alignment limits, rod position indication, bank insertion limits, power distribution limits, at-power physics tests exceptions, and low power physics tests exceptions. The proposed changes do not affect the probability of any accident initiating event, because these Technical Specification requirements do not control any factors that could be accident initiators. These Technical Specifications establish the requirements that provide the limitations on the initial conditions, transient response of the plant, and operation and failure of equipment and systems. The proposed changes establish the appropriate limiting conditions for operation, action statements, and allowable outage times that will continue to ensure that the results of the accident analyses are not changed. Additionally, there is no physical change to the facility or its systems. Therefore, the probability and consequences of any accident previously evaluated is not increased.

2. Operation of this facility under the proposed Technical Specifications change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

New or different kinds of accidents can only be created by new or different accident initiators or sequences. This change request proposes to improve the clarity of the

Technical Specifications requirements contained in Technical Specification Section 15.3.10. The proposed specifications will clarify the existing Technical Specifications where identified by rewording, supplementing, or replacing existing requirements. There is no physical change to the facility or its systems. Therefore, a new or different kind of accident cannot occur, because no factors have been introduced that could create a new or different accident initiator.

3. Operation of this facility under the proposed Technical Specifications change will not create a significant reduction in a margin of safety.

The margins of safety for Point Beach are based on the design and operation of the reactor and containment and the safety systems that provide their protection.

This change request proposes to improve the clarity of the Technical Specifications requirements contained in Technical Specification Section 15.3.10. The proposed specifications will clarify the existing Technical Specifications where identified by rewording, supplementing, or replacing existing requirements. There is no physical change to the facility or its systems. Section 15.3.10 of the Technical Specifications provides the requirements that limit the operation of the reactor and establish the operability requirements for reactivity control by the control rod system. The proposed Technical Specifications changes continue to provide the appropriate limiting conditions for operation, action statements, and allowable outage times that ensure the applicable margins of safety to protect the reactor are preserved. Therefore, no reduction in any margin of safety has been introduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin 54241

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: Gail H. Marcus

Previously Published Notices Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the Federal Register on the day and page cited. This notice does not extend the notice period of the original notice.

Carolina Power and Light Company, Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of application for amendments: February 16, 1996

Brief description of amendments: The amendments provide a one-time surveillance requirement extension for the performance of the trip actuating device operational test for one of the safety injection manual initiation switches.

Date of publication of individual notice in Federal Register: February 26, 1996 (61 FR 7125)

Expiration date of individual notice: March 27, 1996

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Notice Of Issuance Of Amendments To Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the Federal Register as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: December 19, 1995, as supplemented by letter dated February 9, 1996.

Brief description of amendments: These amendments allow the implementation of the recently approved Option B to 10 CFR Part 50, Appendix J, Option B, by referring to Regulatory Guide 1.163, ''Performance Based Containment Leakage - Test Program.'' This new rule allows a performance-based option for determining the test frequency for containment leakage rate testing. The amendment would modify Technical Specifications (TS) 1.7, 3/4.6.1.1, 3/4.6.1.2, 3/4.6.1.3, and 3/4.6.3, and the Bases of TS 3/4.6.1.2, and would add a new TS 6.16.

Date of issuance: February 23, 1996

Effective date: February 23, 1996, to be implemented within 15 days of issuance.

Amendment Nos.: Unit 1 - Amendment No. 103; Unit 2 - Amendment No. 92; Unit 3 - Amendment No. 75.

Facility Operating License Nos. NPF-41, NPF-51, and NPF-74: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: January 22, 1996 (61 FR 1627) The February 9, 1996, supplemental letter provided clarifying information and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 23, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004

Baltimore Gas and Electric Company, Docket No. 50-317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of application for amendment: December 21, 1995

Brief description of amendment: The amendment allows the use of cladding material other than Zircaloy or ZIRLO. The Safety Evaluation addresses the safety significance of loading four (4) lead fuel assemblies (LFAs) into the Calvert Cliffs Nuclear Power Plant, Unit No. 1, reactor vessel during cycles 13, 14, and 15. A Temporary Exemption was issued on November 28, 1995, (60 FR 62483) approving the loading of the 4 LFAs into the Unit 1 reactor vessel for the cycles noted above. The technical basis for the Temporary Exemption, which is the same basis for the requested TS amendment, was provided in the Baltimore Gas and Electric Company submittal dated July 13, 1995.

Date of issuance: February 21, 1996

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 211

Facility Operating License No. DPR-53: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 22, 1996 (61 FR 1627) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 21, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Units 1 and 2, Ogle County, IllinoisDocket Nos. STN 50-456 and STN 50-457, Braidwood Station, Units 1 and 2, Will County, Illinois

Date of application for amendments: June 8, 1995

Brief description of amendments: The amendments revise Technical Specification (TS) 3/4.8.1 by (1) replacing Table 4.8-1, ''Diesel Generator Test Schedule,'' with a single surveillance interval of at least once per 31 days, and (2) deleting TS 4.8.1.1.3, ''Reports.'' The amendments also revise ACTION statements and surveillances in TS 3.8.1.1 related to certain diesel generator testing and startup requirements.Date of issuance: February 16, 1996Effective date: Immediately, to be implemented within 90 days.

Amendment Nos.: 79 and 71

Facility Operating License Nos. NPF-37, NPF-66, NPF-72 and NPF-77: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 30, 1995 (60 FR 45176) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 16, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: For Byron, the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: June 8, 1995

Brief description of amendments: The amendments revise Technical Specification (TS) 3/4.8.1 by (1) replacing Table 4.8.1.1.2-1, ''Diesel Generator Test Schedule,'' with a single surveillance interval of at least once per 31 days, and (2) deleting TS 4.8.1.1.3, ''Reports.'' The amendments also revise ACTION statements and surveillances in TS 3.8.1.1 related to certain diesel generator testing and startup requirements.

Date of issuance: February 16, 1996

Effective date: Immediately, to be implemented within 90 days.

Amendment Nos.: 109 and 94

Facility Operating License Nos. NPF-11 and NPF-18: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 30, 1995 (60 FR 45176) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 16, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Jacobs Memorial Library, Illinois alley Community College, Oglesby, Illinois 61348.

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: November 3, 1995

Brief description of amendment: This amendment allows deferral of the Reactor Coolant Pump flywheel inspection until outage 11, scheduled for the spring of 1998.

Date of issuance: February 15, 1996

Effective date: February 15, 1996

Amendment No.: 153

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 20, 1995 (60 FR 65679) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 15, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: May 5, 1995, as supplemented by letter dated September 28, 1995

Brief description of amendments: The amendments consist of changes to the Technical Specifications (TS) relating to implementation of a revised thermal design procedure and steam generator water level low-low setpoint

Date of issuance: February 20, 1996

Effective date: February 20, 1996

Amendment Nos.: 183 and 177Facility Operating Licenses Nos. DPR-31 and DPR-41: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: October 25, 1995 (60 FR 54719) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 20, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Florida International University, University Park, Miami, Florida 33199.

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: May 22, 1995, as supplemented by letter dated October 9, 1995.

Brief description of amendments: The amendments revised Technical Specification 4.8.1.1.2.e.7 to allow the performance of the 24-hour surveillance test of the diesel generators during power operation.Date of issuance: February 21, 1996Effective date: February 21, 1996, to be implemented within 30 days of issuance.

Amendment Nos.: Unit 1 - Amendment No. 81; Unit 2 - Amendment No. 70

Facility Operating License Nos. NPF-76 and NPF-80. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: July 19, 1995 (60 FR 37091) The October 9, 1995, supplement provided clarifying information and did not change the original no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 21, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, TX 77488

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of application for amendment: October 27, 1995

Brief description of amendment: The amendment revises Technical Specification (TS) 3.1.3, ''Control Rod OPERABILITY,'' to include the 25% surveillance overrun allowed by Limiting Condition for Operation (LCO) 3.0.2 into the allowances of the surveillance Notes for control rod ''notch'' testing per Surveillance Requirement (SR) 3.1.3.2 and SR 3.1.3.3. The amendment also includes a clarification to the description of TS Table 3.3.3.1-1, ''Post Accident Monitoring Instrumentation,'' Function 7, to indicate that the Function's requirements apply to the position indication for only automatic primary containment isolation valves, rather than all primary containment isolation valves. Finally, the amendment includes changes to correct a number of editorial and typographical errors inadvertently contained in TS 3.3.4.1, ''End of Cycle Recirculation Pump Trip (EOC-RPT) Instrumentation,'' TS 3.3.6.1, ''Primary Containment and Drywell Isolation Instrumentation,'' TS 3.3.8.2, ''Reactor Protection System (RPS) Electric Power Monitoring,'' and TS 3.6.5.2, ''Drywell Air Lock.''

Date of issuance: February 29, 1996

Effective date: February 29, 1996

Amendment No.: 102

Facility Operating License No. NPF-62: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 20, 1995 (60 FR 65680) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 29, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: The Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: August 30, 1995, as supplemented by letter dated January 15, 1996.

Brief description of amendment: The amendment revises Technical Specification 1.3, ''Reactor'', to (1) allow the use of fuel rods clad with Zircaloy or ZIRLO, rather than restrict use to fuel rods clad with Zircaloy-4, and (2) replace the specified enrichment limit with a limitation similar to that found in NUREG-1432, ''Standard Technical Specifications for Combustion Engineering Plants.''

Date of issuance: February 29, 1996

Effective date: As of the date of issuance, to be implemented concurrent with Amendment No. 144.

Amendment No.: 155

Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: October 11, 1995 (60 FR 52932) The January 15, 1996, submittal provided clarifying information and did not change the initial proposed no significant hazards determination.The Commission's related evaluation of the amendment is contained in Safety Evaluation dated February 29, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, ME 04578.

Niagara Mohawk Power Corporation, Docket Nos. 50-220, and 50-410, Nine Mile Point Nuclear Station, Unit Nos. 1 and 2, Oswego County, New York

Date of application for amendments: October 25, 1995, as supplemented February 7, 1996.

Brief description of amendments: The amendments revise portions of Chapter 6 of the Technical Specifications to reflect management position title and responsibility changes.Date of issuance: February 20, 1996

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment Nos.: 157 and 71

Facility Operating License Nos. DPR-63 and NPF-69: Amendments revise the Technical Specifications.

Date of initial notice in Federal Register: November 16, 1995 (60 FR 57605) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 20, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: August 1, 1995

Brief description of amendments: These amendments revise the Technical Specifications Section 3/4.9.1, ''Reactor Mode Switch,'' in order to provide alternate actions to allow the continuation of core alterations in the event certain Reactor Manual Control System (RMCS) and refueling interlocks are inoperable, while preserving the intended function of the inoperable interlocks.

Date of issuance: February 23, 1996

Effective date: As of date of issuance, to be implemented within 30 days.

Amendment Nos.: 114 and 76

Facility Operating License Nos. NPF-39 and NPF-85. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: September 27, 1995 (60 FR 49944) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 23, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: October 31, 1994

Brief description of amendment: This amendment deletes certain valves from Technical Specification Table 3.6.3-1, ''Primary Containment Isolation Valves,'' that no longer need to be tested in accordance with 10 CFR Part 50, Appendix J.

Date of issuance: February 22, 1996

Effective date: As of the date of issuance to be implemented within 60 days from the date of issuance.

Amendment No.: 93

Facility Operating License No. NPF-57: This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: March 29, 1995 (60 FR 16198) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 22, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: February 5, 1996, as supplemented by letter dated February 14, 1996.

Brief description of amendment: The amendment changes Technical Specifications 4.6.2.2b, ''Suppression Pool Spray,'' and 4.6.2.3b, ''Suppression Pool Cooling,'' to include flow through the RHR heat exchanger bypass line (in addition to the RHR heat exchanger) in the Suppression Pool Cooling and Suppression Pool Spray flow path used during RHR pump testing.

Date of issuance: February 26, 1996

Effective date: As of date of issuance, to be implemented within 3 days.

Amendment No.: 94

Facility Operating License No. NPF-57: This amendment revised the Technical Specifications. Public comments requested as to proposed no significant hazards consideration: Yes (61 FR 5040) February 9, 1996. That notice provided an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice also provided for an opportunity to request a hearing by March 11, 1996, but indicated that if the Commission makes a final no significant hazards consideration determination any such hearing would take place after issuance of the amendment.The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 26, 1996.

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: September 28, 1995

Brief description of amendments: The changes relocate ''Reactor Coolant System - Chemistry'' Technical Specification 3/4.4.7 for Salem Unit 1 and 3/4.4.8 for Salem Unit 2 and their associated Bases to the Salem Updated Final Safety Analysis Report and the Surveillance Requirements and Limiting Conditions for Operations to applicable plant procedures controlled by the 10 CFR 50.59 process. Also, the applicability will be changed from ''At all times'' to ''Modes 1, 2, 3, 4, 5, and 6.''

Date of issuance: February 22, 1996

Effective date: Units 1 and 2, as of date of issuance and shall be implemented within 60 days of date of issuance.

Amendment Nos.: 180 and 161

Facility Operating License Nos. DPR-70 and DPR-75. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: November 8, 1995 (60 FR 56369) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 22, 1996.No significant hazards consideration comments received: No

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: June 20, 1995, as supplemented on December 19, 1995 and February 7, 1996.

Brief description of amendment: This amendment modifies the technical specification requirements on qualifications for reviewers of facility modifications, programs, and documents affecting nuclear safety and changes the required schedule for reporting changes requested to environmental permits.

Date of issuance: February 26, 1996

Effective date: February 26, 1996

Amendment No.: 124

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 19, 1995 (60 FR 37099) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 26, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Central Library, Government Documents, 828 I Street, Sacramento, California 95814

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of application for amendment: November 20, 1995

Brief description of amendment: The amendment adds the following footnote to Technical Specification (TS) 3/4.5.2: ''The allowable outage time for each RHR train may be extended to 7 days for the purpose of maintenance and modification. This exception may only be used one time per RHR train and is not valid after December 31, 1997.''

Date of issuance: February 21, 1996

Effective date: February 21, 1996

Amendment No.: 132

Facility Operating License No. NPF-12: Amendment revises the TS.

Date of initial notice in Federal Register: December 20, 1995 (60 FR 65684) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 21, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Fairfield County Library, 300 Washington Street, Winnsboro, SC 29180

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of application for amendments: October 14, 1992, as supplemented by letter dated December 18, 1995

Brief description of amendments: These amendments revise TS 3/4.7.5, ''Control Room Emergency Air Cleanup System,'' by reducing the test duration for the control room emergency air cleanup system and deleting requirements for duct heaters and diverting valves. The associated Bases are also revised to reflect these changes.

Date of issuance: February 28, 1996

Effective date: February 28, 1996, to be implemented within 30 days of issuance.

Amendment Nos.: Unit 1 - Amendment No. 128; Unit 2 - Amendment No. 117

Facility Operating License Nos. NPF-10 and NPF-15: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: March 3, 1993 (58 FR 12267) The December 18, 1995, supplemental letter provided additional clarifying information and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 28, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P. O. Box 19557, Irvine, California 92713

Tennessee Valley Authority, Docket Nos. 50-259, 50-260, and 50-296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of application for amendments: December 8, 1995 supplemented January 10, 1996 (TS 364)

Brief description of amendment: The amendments implement recent changes to 10 CFR 50 Appendix J for performance-based testing of containment leakage.

Date of issuance: February 22, 1996

Effective Date: February 22, 1996

Amendment Nos.: 228, 243 and 203

Facility Operating License Nos. DPR-33, DPR-52 and DPR-68: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: January 22, 1996 (61 FR 1637) The letter dated January 10, 1996 provided information that did not change the initial proposed finding of no significant hazards consideration. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 22, 1996.No significant hazards consideration comments received: None

Local Public Document Room location: Athens Public library, South Street, Athens, Alabama 35611

The Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Docket No. 50-440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of application for amendment: November 22, 1995

Brief description of amendment: The amendment added OES Nuclear, Inc. as an owner.

Date of issuance: February 27, 1996

Effective date: February 27, 1996

Amendment No.: 81

Facility Operating License No. NPF-58: This amendment revised the license.

Date of initial notice in Federal Register: December 20, 1995 (60 FR 65685) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 27, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: Perry Public Library, 3753 Main Street, Perry, Ohio 44081

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: December 12, 1995, supplemented by facsimile transmission dated January 26, 1996

Brief description of amendment: This amendment revises TS 3/4.6.1.1, Containment Systems - Primary Containment -Containment Integrity; TS 3/4.6.1.2, Containment Systems - Containment Leakage; TS 3/4.6.1.6, Containment Systems - Containment Vessel Structural Integrity; TS 3/4.6.5.3, Containment Systems - Shield Building Structural Integrity; and associated Bases. The revisions incorporate changes to the TS to adopt the provisions of Appendix J, Option B for Type A containment leakage testing as modified by approved exemptions and in accordance with Regulatory Guide 1.163, to provide consistency with these new requirements, and to make administrative changes.

Date of issuance: February 22, 1996

Effective date: February 22, 1996, and implemented not later than 90 days after issuance.

Amendment No.: 205

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 22, 1996 (61 FR 1637) The January 26, 1996, facsimile transmission was clarifying in nature and did not affect the initial no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 22, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, Ohio 43606.

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: June 1, 1995, as supplemented on October 20, 1995, December 13, 1995, and January 26, 1996.

Brief description of amendment: The amendment revised the allowed outage time for one unavailable emergency diesel generator from 72 hours to 7 days.

Date of issuance: February 26, 1996

Effective date: February 26, 1996

Amendment No.: 206

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 2, 1995 (60 FR 39453) Supplemental information submitted on October 20, 1995, December 13, 1995, and January 26, 1996, provided clarification only and was not outside the scope of the original no significant hazards determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 26, 1996. No significant hazards consideration comments received: No

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: September 29, 1995

Brief description of amendment: The amendment increases the minimum available borated water volume requirement for the boric acid addition system, the minimum and maximum boron concentration requirements for the borated water storage tank, the minimum boron concentration requirement for the core flood tanks; modifies the surveillance requirements for trisodium phosphate dodecahydrate; and modifies the refueling boron concentration and the associated Action statement.

Date of issuance: February 27, 1996

Effective date: February 27, 1996

Amendment No.: 207

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 8, 1995 (60 FR

56371) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 27, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: November 29, 1994

Brief description of amendments: The amendments revise and update the North Anna Units 1 and 2 Environmental Protection Plan (EPP) to reflect current obligations to the Commonwealth of Virginia, revise portions of the transmission corridor rights-of-way erosion control program for clarification and to be consistent with the state regulations, eliminate inconsistencies, and delete obsolete material.

Date of issuance: February 20, 1996

Effective date: February 20, 1996

Amendment Nos.: 197 and 198

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 30, 1995 (60 FR 45188) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 20, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: October 17, 1995, as supplemented by facsimile dated February 26, 1996.

Brief description of amendments: The amendments revise the North Anna Units 1 and 2 Technical Specifications (TS) to allow both of the containment personnel airlock doors to remain open during refueling operations, delete License Condition 2.G for Unit 1 and 2.I for Unit 2, which reference the analyses for limiting doses to control room operators, and modify the TS Bases to clarify the emergency power system requirements relative to mitigation of the consequences of a Fuel Handling Accident.

Date of issuance: February 27, 1996

Effective date: As of the date of issuance to be implemented within 30 days from the date of issuance.

Amendment Nos.: Unit 1 - 198; Unit 2 -179

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications and License Conditions.

Date of initial notice in Federal Register: January 3, 1996 (61 FR 187) The February 26, 1996, facsimile provided clarifying information that did not change the scope of the October 17, 1995, application and the initial proposed no significant hazards consideration determination.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 27, 1996.No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: November 22, 1995, as supplemented by letter dated February 8, 1996.

Brief description of amendment: This amendment allows the personnel airlock doors to be open during core alterations and movement of irradiated fuel in containment. The surveillance requirements for containment penetrations have also been revised to require that each be in its ''required condition'' instead of ''closed/isolated condition.'' The Bases section has been updated.

Date of issuance: February 28, 1996

Effective date: February 28, 1996, to be implemented within 30 days of issuance.

Amendment No.: Amendment No. 95

Facility Operating License No. NPF-42. The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 20, 1995 (60 FR 65687) The February 8, 1996, supplemental letter provided additional clarifying information and did not change the original no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 28, 1996.No significant hazards consideration comments received: No.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

Notice Of Issuance Of Amendments To Facility Operating Licenses And Final Determination Of No Significant Hazards Consideration And Opportunity For A Hearing (Exigent Public Announcement Or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards

consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By April 12, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the

Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Tennesse Valley Authority, Docket No. 50-390, Watts Bar Nuclear Plant, Unit No. 1, Rhea County, Tennessee

Date of application for amendment: February 26, 1996

Brief description of amendment: The proposed amendment revises Technical Specifications (TS) to allow implementation of a proposed plant modification to preclude inadvertent transfer of the turbine-driven auxiliary feedwater pump suction from the condensate storage tank to the emergency raw cooling water system.

Date of issuance: February 28, 1996

Effective date: February 28, 1996

Amendment No.: 1

Facility Operating License No. NPF-90: Amendment revises the TS. The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration, are contained in a Safety Evaluation dated February 28, 1996.Public comments requested as to proposed no significant hazards consideration: No

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902

NRC Project Director: Frederick J. Hebdon

Dated at Rockville, Maryland, this 6th day of March 1996.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[Doc. 96–5817 Filed 3–12–96; 8:45 am]

BILLING CODE 7590–01–F

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: 61 FR 6297, February 16, 1996; 61 FR 6894, February 22, 1996.

PREVIOUSLY ANNOUNCED DATE OF MEETING: March 4, 1996.

CHANGE: Addition of the following items to the closed meeting agenda:

1. Election of the Vice Chairman of the Board of Governors.

2. Consideration of a Modification Concerning the Redesign of the Priority Mail Service Program.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Koerber, (202) 268–4800.

At its meeting on March 4, 1996, the Board of Governors of the United States Postal Service voted unanimously to add to the agenda: (1) Election of the Vice Chairman of the Board of Governors, and (2) consideration of a modification concerning the redesign of the Priority service program. Discussion on the first item was closed to the public pursuant to section 552b(c)(6) of Title 5, United States Code; and section 7.3(f) of Title 39, Code of Federal Regulations. Discussion of the second item was closed to the public pursuant to section 552b(c)(9)(B) of Title 5, United States Code, and section 7.3(i) of Title 39 Code of Federal Regulations. No earlier announcement of these additions was possible. In accordance with 552b(f)(1) of Title 5, United States Code, and section 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service certified that in her opinion discussion of these items could be properly closed to public observation.

Thomas J. Koerber,

Secretary.

[FR Doc. 96–6107 Filed 3–11–96; 2:33 pm]

BILLING CODE 7710–12–M

Board of Governors; Sunshine Act Meeting

At its meeting on March 4, 1996, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for April 1, 1996, in Phoenix, Arizona. The members will consider a filing with the Postal Rate Commission for classification reform of nonprofit rates and special services.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Dyhrkopp, Fineman, Mackie, McWherter, Rider and Winters; Postmaster General Runyon, Deputy Postmaster General Coughlin, Secretary to the Board Koerber, and General Counsel Elcano.

The Board determined that pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information in connection with proceedings under Chapter 36 of title 39, United States Code (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code.

The Board has determined further that pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern participation of the Postal Service in a civil action or proceeding involving a determination on the record after opportunity for a hearing.

The Board further determined that the public interest does not require that the Board's discussion of these matters be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) and (10) of title 5, United States Code; section 410(c)(4) of title 39, United States Code; and section 7.3 (c) and (j) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, Thomas J. Koerber, at (202) 268–4800.

Thomas J. Koerber,

Secretary.

[FR Doc. 96–6108 Filed 3–11–96; 2:33 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Sunshine Act Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on March 20, 1996, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Draft Agreements with the Internal Revenue Service.

(2) Office of Inspector General's Reinvention Proposals—Phase II.

(3) Inspector General's Memorandum re Investment Policy.

(4) Show of Interest—First Floor Headquarters Space.

(5) Issues Concerning Coverage Terminations (Marine Atlantic and Durango and Silverton Narrow Gauge Railroad).

(6) Employee Status—Engineering Department Consultants for Souther Pacific Transportation Company.

(7) Labor Member Truth in Budgeting Status Report.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312–751–4920.

Dated: March 8, 1996.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 96–6109 Filed 3–11–96; 2:33 pm]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request; Extension: Rule 17a–13; SEC File No. 270–27; OMB Control No. 3235–0035

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension on the following rule:

Rule 17a–13(b) requires that at least once each calendar quarter, brokers and dealers physically examine and count all securities held and account for all other securities not in their possession, but subject to the broker-dealer's control or direction. Any discrepancies between the broker-dealer's securities count and the firm's records must be noted and, within seven days, the unaccounted for difference must be recorded in the firm's records. Rule 17a–13(c) provides that under specified conditions, the securities count, examination and verification of the broker-dealer's entire list of securities may be conducted on a cyclical basis rather than on a certain date. Although Rule 17a–13 does not require filing a report with the Commission, the discrepancies must be reported on the form required by Rule 17a–5.

The information obtained from Rule 17a–13 is used as an inventory control device to monitor a broker-dealer's ability to account for all securities held, in transfer, in transit, pledged, loaned, borrowed, deposited or otherwise subject to the firm's control or direction. Discrepancies between the securities counts and the broker-dealer's records alert the Commission and the Self Regulatory Organizations (''SROs'') to those firms having problems in their back offices.

Because of the many variations in the amount of securities that broker-dealers are accountable for, it is difficult to develop a meaningful figure for the cost of compliance with Rule 17a–13. About fifteen percent of all registered brokers and dealers are exempt from Rule 17a–13. Another significant amount of firms have minimal obligations under the rule because they hold, or are owed few securities. Approximately 5,000 broker-dealers have obligations under the rule and the average time it would take each broker-dealer to comply with the rule is 100 hours per year, for a total estimated annualized burden of 500,000 hours. It should be noted that most broker-dealers would engage in the activities required by Rule 17a–13 even if they were not required to do so.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, N.W., Washington, DC 20549.

Dated: March 7, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–5962 Filed 3–12–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26485]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

March 7, 1996.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transactions(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 1, 1996, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Cinergy Corporation (70–8807)

Notice of Proposal for Employee Incentive Compensation Plan; Order Authorizing Solicitation of Proxies

Cinergy Corporation (''Cinergy''), 139 East Fourth Street, Cincinnati, Ohio, 45202, a registered holding company, has filed a declaration under sections 6(a), 7 and 12(e) of the Public Utility Holding Company Act of 1935, as amended (''Act''), and rules 54, 62 and 65.

On January 25, 1996, the Board of Directors of Cinergy (''Board''), adopted a new employee incentive compensation plan, the 1996 Long-Term Incentive Compensation Plan (''Plan''), subject to approval by Cinergy shareholders. Cinergy requests Commission authorization (i) to solicit proxies with respect to the Plan from shareholders of outstanding Cinergy common stock, $0.01 par value per share (''Common Stock''), relative to the annual meeting of Cinergy shareholders scheduled for April 26, 1996 (''Annual Meeting''),[1] and (ii) to issue up to 7 million shares of Common Stock from time to time through December 31, 2000 in connection with the stock-based awards provided under the Plan.

The Plan would enable Cinergy to provide a variety of long-term stock-based and cash incentives to officers and other key employees of Cinergy and its direct and indirect subsidiaries

[1] Cinergy has engaged Corporate Investor Communications, Inc., a professional proxy solicitation firm, to assist in the solicitation of proxies.

(''Cinergy System''). The Plan would involve performance-based compensation, which might be conditioned on attainment of specified performance measures, in the nature of (i) stock options (''Options''), (ii) rights to receive the appreciation in fair market value of Common Stock (''Stock Appreciation Rights''), (iii) grants of Common Stock, subject to transfer restrictions and risk of forfeiture (''Restricted Stock''), (iv) Common Stock or rights to receive the fair market value of Common Stock (''Performance Stock''), (v) cash or Common Stock with the same fair market value (''Performance Awards''), (vi) Common Stock or cash equal in value to dividends on Common Stock (''Dividend Equivalents''), (vii) other stock-based awards denominated or payable in, valued by reference to, or otherwise based on or related to, Common Stock (''Other Stock-Based Awards''), and (viii) cash awards.

Common Stock used for awards under the Plan may be authorized but unissued Common Stock or Common Stock purchased on the open market, in private transactions or otherwise. The maximum number of Common Stock that may be issued or transferred upon the exercise of Options or Stock Appreciation Rights, awarded as Restricted Stock and released from substantial risk of forfeiture, issued or transferred as Dividend Equivalents, and issued or transferred in payment of Performance Stock, Performance Awards or Other Stock-Based Awards which have been earned, shall not exceed 7 million shares through the year 2000.

The Plan will be administered by the Compensation Committee of the Board (''Committee''), all of whose members will be non-employee members of the Board who are disinterested persons within the meaning of rule 16b–3 of the Securities Exchange Act of 1934.

The group of Cinergy System employees who would be eligible to receive awards under the Plan consists of officers, employees who are employed in a significant executive, supervisory, administrative, operational or professional capacity, and employees who have the potential to contribute to the future success of the Cinergy System. The Committee would have the exclusive authority to determine, in its sole discretion, those eligible employees to whom awards would be granted at any time, as well as the type, size and other terms and conditions of each granted award, subject only to the parameters in the Plan. The Committee may make grants to employees under any or a combination of all of the various categories of awards that are authorized under the Plan.

The Plan is intended to be of indefinite duration. However, the Board may amend or terminate the Plan in whole or in part, except that it will not, without the approval of Cinergy shareholders, increase the maximum amount of Common Stock that may be issued under the Plan, change the class of employees eligible to participate in the Plan, or cause the Plan to be in non-compliance with rule 16b–3 under the Securities Exchange Act of 1934.

It appears that the application-declaration, to the extent that it relates to the proposed solicitation of proxies, should be permitted to become effective forthwith pursuant to rule 62.

It is ordered, therefore, that the application-declaration, to the extent that it relates to the proposed solicitation of proxies be, and it hereby is, granted and permitted to become effective forthwith pursuant to rule 62 and subject to the terms and conditions prescribed in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–5968 Filed 3–12–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36934; File No. S7–24–89]

Joint Industry Plan; Solicitation of Comments and Order Approving Amendment No. 8 to Reporting Plan for Nasdaq/National Market Securities Traded on an Exchange on an Unlisted or Listed Basis, Submitted by the National Association of Securities Dealers, Inc., and the Boston, Chicago and Philadelphia Stock Exchange

March 6, 1996.

On March 5, 1996, the National Association of Securities Dealers, Inc., and the Boston, Chicago, and Philadelphia Stock Exchanges (collectively, ''Participants'') [1] submitted to the Commission proposed Amendment No. 8 to a joint transaction reporting plan (''Plan'') for Nasdaq/National Market securities traded on an exchange on an unlisted or listed basis.[2] Amendment No. 8 would extend the effectiveness of the Plan through March 15, 1996.[3] This order approves Amendment No. 8 to the Plan, thereby approving its operation through March 15, 1995.

I. Background

The Commission originally approved the Plan on June 26, 1990.[4] The Plan governs the collection, consolidation and dissemination of quotation and transaction information for Nasdaq/National Market securities listed on an exchange or traded on an exchange pursuant UTP. The Commission has extended the effectiveness of the Plan seven times since then to allow the Participants to trade pursuant to the Plan while they finalize their negotiations for revenue sharing under the Plan.[5]

As originally approved by the Commission, the Plan required the Participants to complete their negotiations regarding revenue sharing during the one-year pilot period. The January 1995 Extension Order approved the effectiveness of the Plan through August 12, 1995. Since January 1995, the Commission has expected the

[1] The signatories to the Plan, i.e., the National Association of Securities Dealers, Inc. (''NASD''), and the Chicago Stock Exchange, Inc. (''Chx'') (previously, the Midwest Stock Exchange, Inc.), Philadelphia Stock Exchange, Inc. (''Phlx''), and the Boston Stock Exchange, Inc. (''BSE''), are the ''Participants.'' The BSE, however, joined the Plan as a ''Limited Participant,'' and reports quotation information and transaction reports only in Nasdaq/National Market (previously referred to as ''Nasdaq/NMS'') securities listed on the BSE. Originally, the American Stock Exchange, Inc., was a Participant to the Plan, but did not trade securities pursuant to the Plan, and withdrew from participation in the Plan in August 1994.

[2] Section 12 of the Act generally requires an exchange to trade only those securities that the exchange lists, except that Section 12(f) of the Act permits unlisted trading privileges (''UTP'') under certain circumstances. For example, Section 12(f), among other things, permits exchanges to trade certain securities that are traded over-the-counter (''OTC/UTP''), but only pursuant to a Commission order or rule. The present order fulfills this Section 12(f) requirement. For a more complete discussion of this Section 12(f) requirement, *see* November 1995 Extension Order, *infra* note 3, at n. 2.

[3] On December 28, 1995, the Commission extended the effectiveness of the Plan through March 5, 1996, by approving Amendment No. 7 to the Plan. *See* Securities Exchange Act Release No. 36650 (December 28, 1995), 60 FR 358 (''December 28 Extension Order'').

[4] *See* Securities Exchange Act Release No. 28146 (June 26, 1990), 55 FR 27917 (''1990 Approval Order''). For a detailed discussion of the history of UTP in OTC securities, and the events that led to the present plan and pilot program, *see* 1994 Extension Order, *infra* note 5.

[5] *See* Securities Exchange Act Release No. 34371 (July 13, 1994), 59 FR 37103 (''1994 Extension Order''). *See also* Securities Exchange Act Release No. 35221, (January 11, 1995), 60 FR 3886 (''January 1995 Extension Order''), Securities Exchange Act Release No. 36102 (August 14, 1995), 60 FR 43626 (''August 1995 Extension Order''), Securities Exchange Act Release No. 36226 (September 13, 1995), 60 FR 49029 (''September 1995 Extension Order''), Securities Exchange Act Release No. 36368 (October 13, 1995), 60 FR 54091 (''October 1995 Extension Order''), Securities Exchange Act No. 36481 (November 13, 1995), 60 FR 58119 (''November 1995 Extension Order''), Securities Exchange Act Release No. 36589 (December 13, 1995), 60 FR 65696 (''December 13 Extension Order''), and the December 28 Extension Order, *supra* note 3.

Participants to conclude their financial negotiations promptly and to submit a filing to the Commission that reflected the results of the negotiations. Moreover, the Commission's August 1995 Extension Order required the Participants to submit a filing concerning revenue sharing on or before August 31, 1995. The Commission's December 13 Extension Order noted that request, and further requested that the Participants submit to the Commission, on or before December 20, 1995, a proposed revenue sharing amendment, along with a proposed amendment to extend the effectiveness of the Plan through the pending period for the financial proposal. The Commission further reminded the Participants of these requests in the December 28 Extension Order.

The Commission currently believes it is appropriate to extend the effectiveness of the Plan through March 15, 1996, so that operation of the Plan may continue while the Commission awaits these amendments and prepares them for publication in the Federal Register.

II. Extension of Certain Exemptive Relief

In conjunction with the Plan, on a temporary basis scheduled to expire on December 29, 1995, the Commission granted an exemption from Rule 11Ac1–2 under the Act regarding the calculated best bid and offer (''BBO''), and granted the BSE an exemption from the provision of Rule 11Aa3–1 under the Act that requires transaction reporting plans to include market identifiers for transaction reports and last sale data. This order extends these exemptions through March 15, 1996. Further, this extension will remain in effect only if the Plan continues in effect through that date pursuant to a Commission order.[6] The Commission continues to believe that this exemptive relief is appropriate through March 15, 1996.

III. Comments on the Operation of the Plan

In the January 1995, August 1995, September 1995, October 1995, November 1995, December 13, and December 28 Extension Orders, the Commission solicited, among other things, comment on (1) whether the BBO calculation for the relevent securities should be based on price and time only (as currently is the case) or if the calculation should include size of the quoted bid or offer; and (2) whether there is a need for an intermarket linkage for order routing and execution and an accompanying trade-through rule. The Commission continues to solicit comments on these matters.

IV. Solicitation of Comment

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. All submissions should refer to File No. S7–24–89 and should be submitted by April 3, 1996.

V. Conclusion

The Commission finds that proposed Amendment No. 8 to the Plan to extend the operation of the Plan and the financial negotiation period through March 15, 1996, is appropriate and in furtherance of Section 11A of the Act. The Commission finds further that extension of the exemptive relief through March 15, 1996, as described above, also is consistent with the Act and the Rules thereunder. Specifically, the Commission believes that these extensions should serve to provide the Participants with more time to conclude their financial negotiations and to submit the necessary filings to the Commission. This, in turn, should further the objects of the Act in general, and specifically those set forth in Sections 12(f) and 11A of the Act and in Rules 11Aa3–1 and 11Aa3–2 thereunder.

It is therefore ordered, pursuant to Sections 12(f) and 11A of the Act and (c)(2) of Rule 11Aa3–2 thereunder, that Amendment No. 8 to the Joint Transaction Reporting Plan for Nasdaq/National Market securities traded on an exchange on an unlisted or listed basis is hereby approved and trading pursuant to the Plan is hereby approved on a temporary basis through March 15, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(29).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–5964 Filed 3–12–96; 8:45 am]

BILLING CODE 8010–01–M

[6] In the December 28 Extension Order, the Commission extended these exemptions through March 5, 1996. Pursuant to a request made by the NASD, this order further extends the effectiveness of the relevant exemptions through March 15, 1996. *See* letter from Richard Ketchum, NASD, to Jonathan G. Katz, Commission, dated March 5, 1996.

[Release No. 34–36938; File No. 600–25]

Self-Regulatory Organizations; Participants Trust Company; Notice of Filing of Application for Extension of Temporary Registration as a Clearing Agency

March 7, 1996.

Notice is hereby given that on February 22, 1996, the Participants Trust Company (''PTC'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(a) of the Securities Exchange Act of 1934 (''Act''),[1] a request for extension of its temporary registration as a clearing agency under Section 17A of the Act through March 31, 1997.[2] The Commission is publishing this notice to solicit comments from interested persons on PTC's request for an extension of its temporary registration.

On March 28, 1989, the Commission granted PTC's application for registration as a clearing agency pursuant to Sections 17A(b)(2) and 19(a)[3] of the Act on a temporary basis for a period of one year.[4] Subsequently, the Commission issued orders that extended PTC's temporary registration as a clearing agency.[5] PTC's current temporary registration extends through March 31, 1996.

As discussed in detail in the initial order granting PTC's temporary registration,[6] one of the primary reasons for PTC's registration was to develop depository facilities for mortgage-backed securities, particularly securities guaranteed by the Government National Mortgage Association (''GNMA''). PTC services include certificate safekeeping, book entry deliveries, and automated

[1] 15 U.S.C. § 78s(a).

[2] Letter from John J. Sceppa, President and Chief Executive Officer, PTC, to Jerry Carpenter, Assistant Director, Division of Market Regulation, Commission (February 21, 1996).

[3] 15 U.S.C. §§ 78q–1(b)(2) and 78s(a) (1988).

[4] Securities Exchange Act Release No. 26671 (March 28, 1989), 54 FR 13266.

[5] Securities Exchange Act Release Nos. 27858 (March 28, 1990), 55 FR 12614; 29024 (March 28, 1991), 56 FR 13848; 30537 (April 9, 1992), 57 FR 12351; 32040 (March 23, 1993), 58 FR 16902; 33734 (March 8, 1994), 59 FR 11815; and 35482 (March 13, 1995), 60 FR 14806.

[6] *Supra* note 4.

facility for the pledge or segregation of securities, and other services related to the immobilization of securities certificates.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of all written comments will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. All submissions should refer to the File No. 600–25 and should be submitted by April 3, 1996.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

FR Doc. 96–5967 Filed 3–12–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36923; International Series Release No. 946; File No. SR–NYSE–95–23]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving and Notice of Filing and Order Granting Accelerated Approval of Amendment Nos. 1 and 2 to a Proposed Rule Change Relating to the Listing of Investment Company Units

March 5, 1996.

I. Introduction

On June 7, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt ¶ 703.16 of its Listed Company Manual (''Manual'') and to amend Exchange Rule 460. The proposed rule change was published for comment and appeared in the Federal Register on August 8, 1995.[3] On January 24, 1996, the NYSE filed Amendment No. 1 to its proposal.[4] On February 23, 1996, the NYSE filed Amendment No. 2 to its proposal.[5] No comments were received by the Commission. This order approves the proposal, as amended.

II. Description of the Proposal

A. Introduction

The NYSE proposes to adopt ¶ 703.16 of its Listed Company Manual (''Manual''), consisting of listing standards for units of trading (''Units'' or ''Fund shares'') that represent an interest in a registered investment company (''Investment Company'') that would be organized either as an open-end management investment company (''Fund-only structure''), or as a unit investment trust (''Fund/UIT structure''). The Investment Company would hold directly securities comprising, or otherwise based on or representing an investment in, an index or portfolio of securities (''Fund Basket''). The Investment Company either could hold the securities directly, or could hold another security representing the index or portfolio securities (such as a UIT that holds shares of an open-end investment company). The Exchange also proposes to amend Exchange Rule 460 to permit specialists to whom Units have been allocated to purchase and redeem Units through a distributor from the issuer of such securities.

The Exchange initially seeks to list up to nine series of Units, in the form of ''CountryBaskets.''[6] These CountryBaskets (or ''CBs'') will be based on the Fund-only structure.[7] Hence, the CBs will be structured as a series of an open-end management investment company investing directly in a portfolio of securities (''Index Securities'') included in the corresponding Financial Times/Standard & Poor's Actuaries World Index (''FT/S&P Index'', ''FT/S&P'', or ''Index'').[8] The nine series of Funds will be based on the following FT/S&P Indices: Australia; France; Germany; Hong Kong; Italy; Japan; South Africa; United Kingdom; and the United States.[9] If, in the future, the Exchange seeks to list Units with respect to other indices, including FT/S&P Indices not described herein, it must make an appropriate filing with the Commission to provide the authorization to effect such listings.[10]

Each CountryBasket series represents an interest in an open-end management investment company (each a ''Fund''),[11] and is designed to provide investment results that substantially correspond to the price and yield performance of the specific FT/S&P Index to which it relates. Specifically, each series will invest the largest proportion of its net assets practicable, and in any event at least 95% of its net assets, in the securities of the corresponding FT/S&P Index, and the weighting of the portfolio securities of each series will substantially correspond to their proportional representation in the relevant FT/S&P Index.

B. The FT/S&P Indices

Deutsche Bank Securities Corporation (CountryBaskets advisor and DMG's predecessor firm), provided the Exchange with the following description of the FT/S&P Indices:[12]

1. Establishing an Index

The FT/S&P Indices are compiled jointly by The Financial Times Limited (''FT''), Goldman, Sachs & Co.

---

[7] 17 CFR 200.30–3(a)(50) (1995).

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] *See* Securities Exchange Act Release No. 36032 (July 28, 1995), 60 FR 40403.

[4] In Amendment No. 1, the Exchange provides additional information regarding the calculation and dissemination of Index values and Index component changes. Amendment No. 1 also effects some minor changes relating to the size and value of the securities described in the original proposal. Amendment No. 1 specifies that the investment company described in its original proposal will be an open-end management investment company. Finally, Amendment No. 1 updates information that was provided in the original proposal. Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan G. Katz, Secretary, Commission, dated January 23, 1996 (''Amendment No. 1'').

[5] In Amendment No. 2, the Exchange makes two technical changes to the language it proposes to add to its Rule 460 concerning specialist activities. Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Michael Walinskas, Branch Chief, Office of Market Supervision (''OMS''), Division of Market Regulation (''Division''), Commission, dated February 23, 1996 (''Amendment No. 2'').

[6] ''The CountryBaskets Index Fund'' and ''CountryBaskets'' are service marks of Deutsche Morgan Grenfell/C.J. Lawrence Inc. (''DMG''), the investment advisor to the Investment Company. DMG has filed applications for registration of such service marks with the U.S. Patent and Trademark Office. *Id.*

[7] *Id.*

[8] Although the CBs will rely on the Fund-only structure, the Exchange represents that reliance on a Fund/UIT structure would not materially alter its proposal.

[9] The actual components, component capitalization, and component weightings for each series as of December 29, 1995, were submitted as part of a Form N–1A registration statement of The CountryBaskets Index Fund, Inc. under the Securities Act of 1933 and the Investment Company Act of 1940. Registration Nos. 33–85710; 811–8734.

[10] Before the NYSE could trade Units based on indices other than the nine indices noted above, it would have to file a rule proposal pursuant to Section 19(b) and Rule 19(b)(4) thereunder. This filing would be in addition to any other regulatory requirements under the Investment Company Act of 1940 or the Securities Act of 1933.

[11] The product sponsors have obtained exemptive relief from the Commission with respect to issues arising under the Investment Company Act of 1940 permitting them to adopt the Fund-only structure. *See* Investment Company Act Release No. 21802; International Series Release No. 943, March 5, 1996. The Commission notes that the manner in which the Units would be listed and traded on the Exchange would be the same regardless of the structure chosen.

[12] The following description reflects organizational ownership and name changes that have occurred since the Exchange filed its original proposal. *See* Amendment No. 1, *supra* note 4.

(''Goldman''), and S&P in conjunction with the Institute of Actuaries (together, the ''Consortium'').[13] The aim of the Consortium is to create and maintain a series of high quality equity indices for use by the global investment community. Specifically, the Consortium seeks to establish and maintain each FT/S&P so that with respect to the market it is designed to reflect, the FT/S&P is comprehensive, consistent, flexible, accurate, investible, and representative.

The World Index Policy Committee (''WIPC'') makes all policy decisions concerning the FT/S&P Indices, including: objectives; selection criteria; liquidity requirements; calculation methodologies; and the timing and disclosure of additions and deletions. The WIPC makes those decisions in a manner that is consistent with the stated aims and objectives of the Consortium. In general, the WIPC aims for a minimum of 70 percent coverage of the aggregate value of all domestic exchange-listed stocks in every country, region and sector in which it maintains an FT/S&P.[14]

The following criteria must be met for a market's securities to be eligible for inclusion in an FT/S&P Index: (1) direct equity investment by non-nationals must be permitted; (2) accurate and timely data must be available; (3) no significant exchange controls should exist that would prevent the timely repatriation of capital or dividends; (4) significant international investor interest in the local equity market must have been demonstrated; and (5) adequate liquidity must exist.

Securities in an FT/S&P are subject to the following ''investibility screens'': (1) securities comprising the bottom five percent of any market's capitalization are excluded; (2) securities must be eligible to be owned by foreign investors; (3) 25 percent or more of the full capitalization of eligible securities must be publicly available for investment and not in the hands of a single party or parties ''acting in concert''; and (4) securities that fail to trade for more than 15 business days within each of two consecutive quarters are excluded.

The WIPC seeks to select constituent stocks that capture 85 percent of the equity that remains available in any market (known as the ''investible universe'') after applying the investibility screens. Securities are selected with regard to economic sector and market capitalization to make the FT/S&P component highly representative of the overall economic sector make-up and market capitalization distribution of the investible universe of a market.

2. Maintaining an Index

The WIPC may add securities to an FT/S&P Index for any of the following reasons: (1) the addition would make the economic sector make-up and market capitalization distribution of the FT/S&P component more representative of its investible universe; (2) a non-constituent security has gained in importance and replaces an existing constituent security under the rules of review established by the WIPC; (3) the FT/S&P component represents less than its targeted percentage of the capitalization of its investible universe (usually in cases where the investible universe has grown faster than the corresponding FT/S&P component); (4) a new, eligible security becomes available whose total capitalization is one percent or more of the current capitalization of the relevant FT/S&P component; (5) an existing constituent ''spins off'' a part of its business and issues new equity to the existing shareholders; or (6) changes in investibility factors lead to a stock becoming eligible for inclusion and that stock now qualifies on other grounds.

The WIPC may adjust the composition of an FT/S&P for any of the following reasons: (1) the component comprises too high a percentage of its representative universe; (2) a review by the WIPC shows that a constituent security has declined in importance and should be replaced by a non-constituent security; (3) the deletion of a security that has declined in importance would make the FT/S&P component more representative of the economic make-up of its investible universe; (4) circumstances regarding investibility and free float change, causing the constituent security to fail the FT/S&P screening criteria; (5) an existing constituent security is acquired by another entity; or (6) the stock has been suspended from trading for a period of more than ten working days. Generally, but not in all cases, changes resulting from review by the WIPC occur at the end of a calendar quarter. Changes resulting from merger or ''spin-off'' activity will be effectuated as soon as practicable.

3. Calculation and Dissemination of an Index

The FT/S&P Indices are calculated through widely accepted mathematical formulae, with the effect that the indices are weighted arithmetic averages of the price relatives of the constituents—as produced solely by changes in the marketplace—adjusted for intervening capital changes. The FT/S&P Indices are base-weighted aggregates of the initial market capitalization, the price of each issue being weighted by the number of shares outstanding, modified to reflect only those shares outstanding that are eligible to be owned by foreign investors.

For each constituent security, the implied annual dividend is divided by 260 (an accepted approximation for the number of business days in a calendar year). This dividend is then reinvested daily according to standard actuarial calculations. Distributions affect adjustments to the base capital or the price per share in accordance with prescribed FT/S&P standards. The Indices' values and related performance figures for various periods of time are calculated daily by FT/S&P and are disseminated to the public in the manner as described below.

The FT/S&P Indices are valued in terms of local currency, U.S. dollars, and U.K. pounds sterling, thereby allowing the effect of currency value on the Index value to be measured. The FT/S&P Indices are calculated once a day on weekdays when one or more of the constituent markets are open; and also are syndicated and published in the financial sections of several newspapers worldwide. FT/S&P Indices data also may be purchased electronically.

DMG has arranged for Telesphere Corporation (formerly Telekurs (North America) Inc.) (''Telesphere'') to calculate ''indicative values'' for the nine Indices upon which CountryBaskets are based on a more frequent basis.[15] The Exchange will

[13] The Indices are successors to the FT-Actuaries World Indices, which were founded jointly by FT, Goldman, and NatWest Securities Limited. In May 1995, S&P joined FT and Goldman as co-publisher of the predecessor to the Indices. As part of the new agreement, NatWest withdrew from the management of those Indices. The Indices are owned jointly by FT, S&P and Goldman. Following a transition period, FT and S&P jointly will calculate the Indices. In November 1995, FT transferred its ownership rights in the Indices to FT–SE International, a new company owned jointly by FT and the London Stock Exchange. By the end of 1996, it is expected that FT–SE International will assume responsibility for calculating the European and Asia-Pacific Indices, and S&P will calculate the United States Index. *Id.*

[14] The WIPC consists of: one representative of each Consortium member; one member nominated by each of the parties as representing an actual or prospective main user group of the World Indices; a Chairman and additional member who are members of the Institute of Actuaries or the Facility of Actuaries.

[15] *See* Amendment No. 1, *supra* note 4. ''Indicative value'' is a value calculated by Telesphere, and is not the official value for the Indices calculated by FT/S&P. This, however, is not meant to imply it is an estimate or not an accurate reflection of the value of the Indices. As noted

Continued

disseminate these indicative values in U.S. dollars through the facilities of the Consolidated Tape Association (''CTA''). In calculating indicative values, Telesphere will use the most currently-available stock price information for the constituent stocks in an Index (based on home currency prices) and disseminate the indicative values in prevailing U.S. dollars. Telesphere also will use the same pricing algorithm and methodology used by the FT/S&P calculators in calculating the indicative values. These values will be disseminated every 30 seconds during the regular NYSE trading hours of 9:30 a.m. to 4:00 p.m. Eastern time.[16]

Owning to the differences in trading hours in the markets for the stocks underlying the Indices, the calculation of the indicative values will be implemented as follows:

- *Pacific Rim*. Australia, Hong Kong, and Japan. There is no overlap between the NYSE trading hours and the home-country trading hours. Thus, the indicative values always will reflect the closing prices of the underlying securities on the most recently-completed trading day, but will be updated every 30 seconds to reflect changes in exchange rates.
- *Europe*. France, Germany, Italy, and the United Kingdom. There is some overlap between NYSE trading hours and home-country trading hours. Thus, the 30-second updates for these Indices will reflect changes in both current stock-price information and currency exchange rates while the relevant market is open; it will reflect only changes in exchange rates once the home-market closes.
- *United States*. Each 30-second update will reflect the current price of U.S. component stocks.
- *South Africa*. During Eastern Standard Time, there is no overlap between NYSE and South African trading hours. During Eastern Daylight Time, there is a half-hour overlap. Thus, during Standard Time, the disseminated Index values will reflect the closing South African prices. During Eastern Daylight Time, there will be a real-time feed of stock prices from the Johannesburg Stock Exchange allowing a real-time calculation of the indicative value of the Index at 30-second intervals during the half-hour overlap.[17]

The Exchange states that if Telesphere no longer were to calculate the indicative values of the Indices, DMG would seek to find another entity to provide such values on substantially the same basis as Telesphere. If this were to occur, the Exchange states that it will consult with Division of Market Regulation staff to ensure that the staff finds any proposed new arrangement acceptable. If the staff were to find the new arrangements unacceptable, the Exchange would take appropriate action to address the staff's concerns, including the possibility of delisting the securities.

Changes to an FT/S&P Index made during a calendar quarter are noted at the foot of the tables containing the Indices that are published daily in the *Financial Times* Newspaper (''FT newspaper'') publication. Consistent with the FT newspaper's publication policy, these changes also are shown in the FT newspaper prior to the actual date of implementation (unless for reasons beyond the control of the FT newspaper this is not possible). Decisions regarding the addition of new eligible constituent stocks that are unrelated to existing stocks in an FT/S&P Index, or weighting changes to existing constituent stocks, are announced in the FT newspaper at least four working days before they are implemented. Monday editions of the FT newspaper also show all constituent changes made during the previous week, together with base values for each Index. Changes to be made in an Index at the end of a calendar quarter are published as soon as is practicable following the quarterly meeting of the WIPC, but before the quarter-end.

C. Creation and Redemption of the Securities

Consistent with the proposed listing standards. Units, including CBs, will be distributed in transactions with the Fund (''Creation Transactions''). As noted above, the NYSE proposal sets forth listing standards applicable to both a Fund-only structure and a Fund/UIT structure. The nine CB series the NYSE proposes to trade will rely on the Fund-only structure. To effect a Creation transaction using the Fund-only structure, a person buys Fund shares from the Fund at their net asset value (''NAV'') next computed. The sales will be in ''Creation Unit'' size aggregations in exchange for a deposit (''Deposit'') of Index Securities (a ''Fund Basket'') and a specified amount of cash sufficient to equal the NAV of Fund shares.[18] Creation Unit size holdings then can be disaggregate and sold separately or in lots on the Exchange.

Units must be combined into Creation Unit size aggregations in order to be redeemed at NAV, which generally will be satisfied with an in-kind distribution of Index Securities comprising the Fund shares, plus a cash payment. An individual Unit will not be redeemable. For the Australia, France, Germany, Hong Kong, Italy, South Africa, United Kingdom, United States CountryBasket series, there will be 100,000 CBs per Creation Unit. For the Japan series, there will be 250,000 CBs per Creation Unit. With the exception of the Japan series, a Creation Unit size aggregation of Fund shares will represent securities with approximately $2 to $5 million in market value. A Creation Unit size aggregation of Fund shares for the Japan series will have an approximate value of $9.5 million.[19]

There may be an initial distribution period of Fund shares lasting from one to a few weeks during which the principal underwriter or distributor (''Distributor'') directly or through soliciting dealers will accept subscriptions to purchase Fund shares.[20] Thereafter, Fund shares could be purchased throughout the life of the product. Therefore, the offering will be continuous.

---

below, Telesphere will use the same pricing algorithm and methodology as used by FT/S&P to calculate indicative values, as well as the most currently available stock prices. Therefore, the indicative value should be an accurate reflection of the value of the Indices. *Id*.

[16] *Id*. While the indicative values will not be the official values of the Indices (which will continue to be calculated and disseminated once each day), the Exchange believes that these values will provide investors with accurate, timely information on the values of the Indices. While some market participants may be able to perform these calculations for their own trading purposes during the business day, many participants lack sufficient resources to do so. The Exchange believes that providing standardized information through CTA facilities will help to ensure that all investors have equal access to this market information. *Id*.

[17] *Id*.

[18] *Id*. If the alternative Fund/UIT structure were used, a person would effect a Creation Transaction by buying a Fund share (or fractional share) in exchange for the Deposit. Each UIT would invest solely in shares of a specified series of the Fund and would offer one ''redeemable unit of beneficial interest'' (a ''Redeemable Unit'') in exchange for each Fund share or fractional share. The Redeemable Unit would be the functional equivalent of the Creation Unit in the Fund-only structure.

The owner of a Redeemable Unit could separate that unit into a specific number of identical fractional non-redeemable sub-units that would constitute the Units traded on the Exchange. These tradeable Units could be recombined into Redeemable Units and then redeemed, at NAV, for the appropriate number of Fund shares. In turn, the Fund shares could be redeemed for the Index Securities and cash. The tradeable Units would not be redeemable other than in Creation Unit aggregations.

[19] *Id*. According to the Exchange, the large size of round lots in Japan, and the requirement that all purchases in that market be in round lots, required that a Creation Unit be structured so that the Fund Basket consists of round lots of each of the Index Securities, including the lowest-weighted securities, resulting in the large size of the Creation Unit. Otherwise, effective arbitrage between the Japan CountryBasket and the Index Securities might be impracticable. *Id*.

[20] If the alternate dual Fund/UIT structure were used, orders also would be accepted to exchange Fund shares for Redeemable Units and to separate such Units into tradeable Units.

D. Exchange Trading of Units

Units, including CBs, are deemed equity securities subject to NYSE rules applicable to the trading of equity securities. Before commencing trading in CBs, the Exchange will require that there be at least 300,000 tradeable Units outstanding, representing at least three Creation Units for each series, except for the Japan series.[21] The Exchange will consider the suspension of trading and the delisting of a series of Units, including CBs, if:

- after the first year of trading, there are fewer than 50 record or beneficial holders of the Units for 30 or more consecutive trading days;
- the value of the underlying index or portfolio of securities is no longer calculated or available; or
- there occurs another event that makes further dealings in the Units on the Exchange inadvisable.[22]

Dealing in Units on the Exchange will be conducted pursuant to the Exchange's general agency-auction trading rules.[23] The Exchange's general dealings and settlements rules will apply.[24] Other Exchange equity rules and procedures, such as the Exchange's equity margin rules, would apply.[25] Unless the prospectus for a specific Investment Company states otherwise, the Units trading on the Exchange will have one vote per share; however, as with other securities issued by registered investment companies, there will not be a ''pass-through'' of the voting rights on the actual index securities held directly by a fund or indirectly by a trust.

While equity securities traded on the Exchange must be certificated, the Exchange proposes that Units trade either in certificated form or solely through the use of a global certificate. The use of a global certificate would have to be consistent with ¶ 501.02(B) of the Manual, which imposes conditions on the use of global certificates for bonds. Permitting the use of global certificates would be consistent with expediting the processing of transactions in Units and would minimize the costs of engaging in transactions in these securities.

E. Specialists

With respect to specialist dealings, Exchange Rule 460 precludes certain business relationships between an issuer and the specialist in the issuer's securities. This could be interpreted to prevent a specialist from entering into Creation Transactions or redeeming Units from the issuer. Therefore, the Exchange proposes to amend its Rule 460 to permit specialists to engage in these types of transactions if such transactions would facilitate the maintenance of a fair and orderly market in the Units. Any Creation Transactions in which the specialist engages, however, will have to be effected through the Distributor, and not directly with the issuer. The Exchange believes that this requirement will make clear that the specialist is purchasing Units in Creation Unit size aggregations only to facilitate normal specialist trading activity. Finally, the specialist only will be able to purchase and redeem Units on the same terms and conditions as any other investor, and only at NAV.

F. Disclosure

With respect to investor disclosure, the Exchange notes that, pursuant to the requirements of the Securities Act of 1933, as amended (''1933 Act''), all investors in Units, including CountryBaskets, will receive a prospectus. Because the Units will be continuous distribution, the prospectus delivery requirements of the 1933 Act will apply to all investors in Units, including secondary market purchases on the NYSE in CBs. The prospectus and all marketing material will refer to CBs by using the term ''investment company.'' The term ''mutual fund'' will not be used at any time. The term ''open-end investment company'' will be used in the prospectus only to the extent required by Item 4 of Investment Company Act Form N–1A. In addition, the cover page of the prospectus will include a distinct paragraph stating that CBs will not be individually redeemable.[26]

Upon the initial listing of any class of Units, including CBs, the Exchange also will issue a circular to its membership explaining the unique characteristics and risks of this type of security. That circular, among other things, will inform member organizations of their responsibilities under Exchange Rule 405 (''know your customer rule'') with respect to transactions in such Units. The circular also will inform member organizations of their responsibility to deliver a prospectus to investors.

G. Trading Halts

Trading of Units would be halted, along with the trading of all other listed stocks, in the event the ''circuit breaker'' thresholds of Exchange Rule 80B were reached. In addition, the Exchange will consider halting the trading in any series of Units if necessary to maintain a fair and orderly market in that series of Units. For example, the Exchange would consider halting the trading in a series of Units if trading has been halted or suspended in the primary market for stocks representing a significant percentage (such as 20 percent) of the value of the underlying stock index or portfolio.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b)(5) of the Act.[27] The Commission believes that the Exchange's proposal to list and trade Units, and specifically CB securities, will provide investors with a convenient way of participating in domestic and foreign securities markets. The Exchange's proposal should help to provide investors with increased flexibility in satisfying their investment needs by allowing them to purchase and sell at negotiated prices throughout the business day securities that replicate the performance of several portfolios of stocks.[28] Accordingly, the Commission finds that the Exchange's proposal will facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.[29]

[21] For the Japan series, 500,000 worth of CBs, representing two Creation Units, will be required to be outstanding prior to commencing trading.

[22] The Commission notes that the requirements that the fund must invest at least 95% of its net assets in the securities of the appropriate Index and that the weighting of the portfolio securities of each series will substantially correspond to their proportional representation in each Index, helps to reduce concerns that the CBs could become a surrogate for trading in a single or a few unregistered stocks. In the unlikely event, however, that this were to occur, the Commission would expect the NYSE to delist the securities to ensure compliance with the Act.

[23] *E.g.*, Rule 51—Hours for Business (9:30 a.m.–4:00 p.m.) and Rule 62—Variations (one-eighth variations).

[24] *See* NYSE Rules 45 to 296.

[25] With respect to margin, the Exchange is requesting that the Commission's Division of Market Regulation grant ''no action'' relief with respect to Section 11(d)(1) of the Act, as amended, and Rules 11d1–1 and 11d1–2 thereunder, with respect to the extension of credit to customers on a security that is part of a new issue.

[26] *See* Form N–1A, *supra* note 9.

[27] 15 U.S.C. 78f(b)(5) (1988).

[28] The Commission notes that unlike typical open-end investment companies, where investors have the right to redeem their fund shares on a daily basis, investors in Units only could redeem Units, including CBs, in Creation Unit size aggregations.

[29] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of exchange

Continued

The estimated cost of an individual CB security, approximately $20 to $50, should make it attractive to individual retail investors who wish to hold a security replicating the performance of a portfolio of foreign or domestic stocks. Moreover, the Commission believes that CBs will provide investors with several advantages over standard open-end investment companies specializing in such stocks. In particular, investors will be able to trade CBs continuously throughout the business day in secondary market transactions at negotiated prices.[30] In contrast, Investment Company Act Rule 22c–1 [31] limits holders and prospective holders of open-end investment company shares to purchasing or redeeming securities of the fund based on the net asset value of the securities held by the fund as designated by the board of directors. Accordingly, CBs should allow investors to: (1) respond quickly to market changes through intra-day trading opportunities; (2) engage in hedging strategies not currently available to retail investors; and (3) reduce transaction costs for trading a portfolio of securities.

Although the value of CBs will be based on the value of the securities and cash held in the Fund, CBs are not leveraged instruments.[32] In essence, CBs are equity securities that represent an interest in a portfolio of stocks designed to reflect substantially the applicable FT/S&P Index. Accordingly, it is appropriate to regulate CBs in a manner similar to other equity securities. Nevertheless, the Commission believes that the unique nature of CBs raise certain product design, disclosure, trading, and other issues that must be addressed.

A. CountryBaskets Generally

The Commission believes that the proposed CBs are reasonably designed to provide investors with an investment vehicle that substantially reflects in value the Index it is designed upon, and, in turn, the performance of the specified U.S. or foreign market. In this regard, the Commission notes that the WIPC imposes specific criteria in its selection of index countries and components. For a market to be eligible for inclusion in an FT/S&P Index, it must allow direct equity investment by non-nationals, make timely and accurate data available, impose no significant exchange controls, demonstrate significant international investment interest, and be sufficiently liquid. For a security to be included in a given index, it may not be in the bottom 5% of a market's capitalization, it must be eligible to be owned by foreigners, 25% of its full capitalization must be publicly available for investment, and it may not fail to trade for more than 15 business days within each of two consecutive quarters. The aim of component selection is to make Index components highly representative of the over-all economic sector make-up and market capitalization of a given market. The Commission believes that these criteria should serve to ensure that the underlying securities of these indices are well capitalized and actively traded.

The Commission also notes that the CB series' investment policies require that at least 95% of a CB series' investments be in the equity securities that are the constituent securities of the relevant FT/S&P Index. In addition, the weighting of the portfolio securities of each series will substantially correspond to their proportional representation in the corresponding FT/S&P Index.[33] This will help to ensure that an investment in CBs will be substantially similar to an investment in the securities comprising the related FT/S&P Index.

B. Disclosure

The Commission believes that the NYSE proposal should ensure that investors have information that will allow them to be adequately apprised of the terms, characteristics, and risks of trading Units, including CBs.[34] As noted above, all Unit investors, including investors in CBs, will receive a prospectus regarding the product. Because Units, including CBs, will be in continuous distribution, the prospectus delivery requirements of the Securities Act of 1933 will apply both to initial investors, and to all investors purchasing such securities in the secondary market at the NYSE. The prospectus will address the special characteristics of a popular Unit, including a statement regarding that Unit's redeemability, and method of creation. With respect to CBs, the prospectus will state specifically that CBs individually are not redeemable.

The Commission also notes that upon the initial listing of any class of Units, including CBs, the Exchange will issue a circular to its members explaining the unique characteristics and risks of this type of security. The circular also will note Exchange members' responsibilities under Exchange Rule 405 (''know your customer rule'') regarding transactions in such Units. Exchange Rule 405 generally requires that members use due diligence to learn the essential facts relative to every customer, every order, and every cash or margin account accepted or carried by members.[35] The circular also will address members' responsibility to deliver a prospectus to all investors as well as highlight the characteristics of purchases in Units, including CBs, including that they only are redeemable in Creation Unit size aggregations.

C. Trading of CBs

The Commission finds that adequate rules and procedures exist to govern the trading of Units, including CBs. In this regard, the Commission notes that Units are deemed equity securities subject to NYSE rules applicable to the trading of equity securities. Accordingly, the Exchange's existing general Dealings and Settlements Rules that currently

trading for new products upon a finding that the introduction of the product is in the public interest. Such a finding would be difficult with respect to a product that served no investment, hedging or other economic function, because any benefits that might be derived by market participants would likely be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns.

[30] Because of potential arbitrage opportunities, the Commission believes that CBs will not trade at a material discount or premium in relation to their net asset value. The mere potential for arbitrage should keep the market price of CBs comparable to their net asset values; therefore, arbitrage activity likely will not be significant. In addition, the Fund will redeem in-kind, thereby enabling the Fund to invest virtually all of its assets in securities comprising the FT/S&P Indices.

[31] 17 CFR 270.22c–1 (1994). Investment Company Act Rule 22c–1 generally provides that a registered investment company issuing a redeemable security, its principal underwriter, and dealers in that security may sell, redeem, or repurchase the security only at a price based on the net asset value next computed after receipt of an investor's request to purchase, redeem, or resell. The net asset value of an open-end investment company generally is computed once daily Monday through Friday as designated by the investment company's board of directors. The Commission granted CBs an exemption from this provision to allow them to trade in the secondary market at negotiated prices. *See* Investment Company Act Release No. 21802; International Series Release No. 943, March 5, 1996.

[32] In contrast, proposals to list exchange-traded derivative products that contain a built-in leverage feature or component raise additional regulatory issues, including heightened concerns regarding manipulation, market impact, and customer suitability. *See e.g.*, Securities Exchange Act Release No. 36165 (August 29, 1995), 60 FR 46653 (relating to the establishment of uniform listing and trading guidelines for stock index, currency, and currency index warrants).

[33] *See* Form N–1A, *supra* note 9.

[34] The Exchange states that it may, in the future, seek to obtain an exemption from the prospectus delivery requirement, either with respect to CBs or other Units listed on the Exchange. In the event it obtains such an exemption, the Exchange will discuss with Commission staff the appropriate level of disclosure that should be required with respect to the Units being listed, and will file any necessary rule change to provide for such disclosure.

[35] NYSE Rule 405(1).

apply to the trading of equity securities also will apply to Units, including CBs. These rules include those governing: the auction market (including trading halt provisions pursuant to Rule 80B); priority, parity and precedence of orders; members dealing for their own accounts; specialist, odd-lot broker, and registered trader responsibilities; handling of orders and reports; publications of transactions and changes; comparisons and exchange of contracts; marking to the market; settlement of contracts; dividends, interests, and rights; reclamations; closing contracts; and liquidation of securities loans and borrowings.[36] The NYSE also will consider halting trading in any series of Units if it deems doing so necessary to maintain a fair and orderly market in that series of Units.[37]

In addition, the NYSE has developed specific listing and delisting criteria for Units. These criteria should help to ensure that a minimum level of liquidity will exist in each series of Units to allow for the maintenance of fair and orderly markets. The delisting criteria also allows the Exchange to consider the suspension of trading and the delisting of a series of Units, including CBs, if an event were to occur that made further dealings in the securities inadvisable. This will give the Exchange flexibility to delist Units, including CBs, if circumstances warrant such action. For example, as noted above, delisting of CBs might be appropriate if Telesphere no longer were able to calculate indicative values, and no acceptable alternative arrangements could be found. In addition, as noted above, in the unlikely event that CBs become a surrogate for trading a single or few securities, such an event could raise issues pursuant to the Act that would require delisting of CBs so as to ensure compliance with the Act.[38] Accordingly, the Commission believes that the rules governing the trading of Units provide adequate safeguards to prevent manipulative acts and practices and to protect investors and the public interest.

D. Indicative Indices

The Commission believes that the indicative values the Exchange proposes to have disseminated for the nine Indices upon which CBs are based will provide investors with timely and accurate information concerning the value of the FT/S&P. The Exchange represents that the information will be disseminated through the facilities of the CTA and will reflect currently-available stock price information. Moreover, it will be calculated based upon the same pricing algorithm and methodology used by the FT/S&P calculators and will be disseminated every 30 seconds during the regular NYSE trading day.[39] In addition, since it is expected that the market value of the CBs will closely track the performance of the applicable FT Index,[40] the Commission believes that the indicative values will provide investors with adequate information to determine the intra-day value of a given CB series.[41]

E. Specialists

The Commission finds that it is consistent with the Act to allow a specialist registered in a security issued by an Investment Company to purchase or redeem the listed security from the issuer as appropriate to facilitate the maintenance of a fair and orderly market in that security. The Commission believes that such market activities should enhance liquidity in such securities and facilitate a specialist's market-making responsibilities. In addition, because the specialist only will be able to purchase and redeem Units on the same terms and conditions as any other investor (and only at NAV), and Creation Transactions must occur through the distributor and not directly with the issuer, the Commission believes that concerns regarding potential abuse are minimized. As noted below, the Exchange's existing surveillance procedures also should ensure that such purchases are only for the purpose of maintaining fair and orderly markets, and not for any other improper or speculative purposes. Finally, the Commission notes that its approval of this aspect of the NYSE's rule proposal does not address any other requirements or obligations under the federal securities laws that may be applicable.[42]

F. Surveillance

The Commission believes that the NYSE's existing surveillance procedures should be adequate to address any concerns associated with specialists purchasing and redeeming Creation Units. The Exchange has represented that its existing surveillance procedures should allow it to identify situations where specialists purchase or redeem Creation Units to ensure compliance with the rule.[43]

The Commission also notes that certain concerns are raised when a broker-dealer, such as Goldman, is involved in the development and maintenance of a stock index upon which a product such as Units, in this case CBs, is based.[44] The Commission believes that adequate safeguards exist to address this concern. All stock additions and deletions, whether by vote of the WIPC or according to the rules governing day-to-day index maintenance, are announced in the FT newspaper. No information about changes may be discussed outside the WIPC or the staff responsible for maintaining the Indices at Goldman until such a public announcement is made. Following the announcement, Goldman may forward information about changes to other areas of the firm and to its clients. In addition, this restriction is enforced internally

[36] NYSE Rules 45–298.

[37] For example, the NYSE has stated that it would consider halting the trading in a series of Units if trading has been halted or suspended in the primary market for stocks representing a significant percentage (such as 20 percent) of the value of the underlying stock index or portfolio.

[38] *See* note 22, *supra.*

[39] Amendment No. 1, *supra* note. 4.

[40] *See* Form N–1A, *supra* note 9. Each CB series will be required to invest the largest proportion of its assets as is practicable, and in any event at least 95% of its net assets, in the securities of the corresponding FT/S&P Index, and the weighting of the portfolio securities of each CB series will substantially correspond to their proportional representation in the relevant FT/S&P Index.

[41] In addition, each series will calculate its NAV per share at the close of the regular trading session for the NYSE on each day that the Exchange is open for business. NAV generally will be based on the last quoted sales price on the securities exchange or national securities market on which a given series' component securities are quoted. *Id.*

[42] Broker dealers and other persons will be cautioned in the prospectus and/or the Fund's statement of additional information that some activities on their part may, depending on the circumstances, result in their being deemed statutory underwriters and subject them to the prospectus delivery and liability provisions of the Securities Act of 1933.

[43] Letter from Robert J. McSweeney, Senior Vice President, Market Surveillance, NYSE, to Sharon Lawson, Assistant Director, OMS, Division, Commission, dated January 22, 1996.

[44] Letter from Paul A. Merolla, Associate General Counsel, Goldman, to Francois Mazur, Attorney, OMS, Division, Commission, dated February 15, 1996 (''Goldman Letter''). Currently, the FT/S&P Indices are jointly compiled by FT–SE International and Goldman in conjunction with the Institute of Actuaries and the Faculty of Actuaries. FT–SE International and Goldman each has primary responsibility for data collection and calculation of one-half of the markets in the Indices. With respect to the nine Indices upon which CBs are based, Goldman has primary responsibility for the U.S., France and South Africa Indices, while FT–SE International has primary responsibility for the Australia, Germany, Hong Kong, Italy, Japan, and United Kingdom Indices. By mid-1996, Goldman expects that primary responsibility for the U.S. series will shift to S&P, while primary responsibility for the remaining Indices will shift to FT–SE International. *Id.*

Goldman is, and expects to remain, a member of the WIPC. The WIPC is responsible for making policy decisions concerning the Indices, including construction techniques and changes to the constituent securities of the Indices. *Id.*

through Goldman's policies and procedures that prevent employees either from using proprietary information (such as non-public information involving changes to the Indices) for personal benefit or to share it with others.[45] The Commission believes that these provisions should help to address concerns raised by Goldman's involvement in the management of the Indices.

G. Scope of the Commission's Order

The Commission is approving in general the Exchange's proposed listing standards for Units representing an interest in an Investment Company that would hold a Fund Basket, and specifically the nine series of CountryBaskets described herein. Other similarly structured products, including CBs based on FT/S&P Indices not described herein, would require review by the Commission pursuant to Section 19(b) of the Act prior to being traded on the Exchange.

The Commission finds good cause for approving Amendment Nos. 1 and 2 prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Amendment No. 1 details the calculation and dissemination of Index changes and Index component changes. In addition, Amendment No. 1 describes certain minor modifications to the Exchange's proposal since it originally was published for comment. Amendment No. 2 effects two minor word changes to the proposal's amending of NYSE Rule 460.

The Commission believes that Amendment Nos. 1 and 2 effect only technical changes that do not materially affect the character and scope of the Exchange's original proposal. Accordingly, the Commission believes that Amendment Nos. 1 and 2 raise no new or unique regulatory issues. Therefore, the Commission believes it is consistent with Sections 6(b)(5) and 19(b)(2) of the Act[46] to approve Amendment Nos. 1 and 2 to the proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment Nos. 1 and 2. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–95–23 and should be submitted by April 3, 1996.

V. Conclusion

For the reasons discussed above, the Commission finds that the proposal, as amended, is consistent with the Act, and, in particular, Section 6 of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[47] that the proposed rule change (File No. SR–NYSE–95–23), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[48]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–5913 Filed 3–12–96; 8:45 am]

BILLING CODE 8010–01–M

[45] *Id.*

[46] 15 U.S.C. §§ 78f(b)(5) and 78s(b)(2) (1988).

[47] 15 U.S.C. § 78s(b)(2) (1988).

[48] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–36969; File No. SR–Philadep–95–13]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Implementing Institutional Delivery System Features in the Philanet Terminal System

March 7, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 26, 1995, the Philadelphia Depository Trust Company (''Philadep'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by Philadep. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

[1] 15 U.S.C. § 78s(b)(1) (1988).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Philadep proposes to provide its participants with access to several additional Institutional Delivery (''ID'') system features through their Philanet terminals.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Philadep included statements concerning the purpose of and the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Philadep has prepared summaries, as set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to make several features of Philadep's ID system available to ID participants through their Philanet terminals. These features currently exist in the form of hardcopy reports or instructions and are available to participants upon request.

The first feature of the proposed rule change allows Philadep participants to cancel all affirmed trades through their Philanet terminals. Currently, participants cancel ID trades affirmed prior to the settlement date by faxing a form to Philadep indicating the trades to be cancelled. Philadep then processes the cancellations and cancels the trade delivery. The enhancement to the Philanet system will allow Philadep participants to cancel trades directly through their Philanet terminals by selecting the ''Cancel Affirmed ID Trades'' function.

The second feature of the proposed rule change allows participants to use Philanet to inquire about the status of their ID trades. To make the inquiry, participants will select the ''ID Trades Inquiry'' function. Using this inquiry screen, participants may view any single trade, a particular CUSIP, the settlement date, processing date, or trade date.

[2] Philanet is an on-line terminal network system. Philanet allows participants to access information affecting their accounts through an on-site terminal located at the participants' offices.

[3] The Commission has modified the text of the summaries prepared by Philadep.

Also, participants may view the status of their trades (*i.e.*, unaffirmed, affirmed, or cancelled).

The third feature of the proposed rule change allows participants to use Philanet to verify the receipt of their transmissions by Philadep and the total number of the respective trades associated with each transmission.

Philadep believes its proposed rule change is consistent with the requirements of Section 17A the Act because it fosters cooperation and coordination with person engaged in the clearance and settlement of securities transactions and further assures the safeguarding of securities which are in the custody and control of Philadep.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Philadep does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) [4] of the Act and pursuant to Rule 19b–4(e)(4) [5] promulgated thereunder because the proposal effects a change in an existing service of Philadep that does not adversely affect the safeguarding of securities or funds in the custody or control of Philadep and does not significantly affect the respective rights or obligations of Philadep or persons using the service. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provision of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of Philadep. All submissions should refer to File Number SR–Philadep–95–13 and should be submitted by April 1, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–5963 Filed 3–12–96; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. § 78s(b)(3)(A)(iii) (1988).

[5] 17 CFR § 240.19b–4(e)(4) (1995).

[6] 17 CFR § 200.30–3(a)(12) (1994).

[Release No. 34–36935; File No. SR–Phlx–95–92]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to the Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to the Listing and Trading of Options on the Phlx OTC Industries Average Index

March 6, 1996.

I. Introduction

On December 21, 1995, the Philadelphia Stock Exchange, Inc., (''Phlx'' or ''Exchange'') filed a proposed rule change with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and rule 19b–4 thereunder,[2] to provide for the listing and trading of index options on the Phlx OTC Industrial Average Index (''OTC Industrial Index'' or ''Index''). The Exchange filed with the Commission Amendment No. 1 to the proposal on December 27, 1995.[3] The Exchange filed with the Commission Amendment No. 2 to the proposal on February 28, 1996.[4]

Notice of the proposal, as amended, was published for comment and appeared in the Federal Register on January 26, 1996.[5] No comment letters were received on the proposed rule change. This order approves the Exchange's proposal, as amended.

II Description of the Proposal

A. *General*

The Exchange proposes to list and trade options on the Phlx OTC Industrial Average Index, a price-weighted [6] index developed by the Phlx based on some of the largest stocks, by capitalization, traded through the National Association of Securities Dealers Automated Quotations system and are reported national market system securities (''NASDAQ/NMS'').

B. *Composition of the Index*

The Index was designed by the Exchange and is currently composed of ten of the most highly capitalized and widely held common stocks of U.S. companies. The Index is composed entirely of NASDAQ/NMS securities. Currently, the Index represents diversified industries including Telecommunications, Pharmaceuticals, Semiconductors, and Data Processing.[7] All component stocks are ''reported securities,'' as that term is defined in Rule 11a3–1 of the Act.[8] The Index is price-weighted and will be calculated on a real-time basis using last sale prices.

As of the close of trading on January 4, 1996, the Index was valued at 279.27. As of November 9, 1995, the market capitalizations of the individual securities in the Index ranged from a high of $57.5 billion to a low of $8.2

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange amended the proposed rule change to indicate that the Index will be treated as a narrow based index. *See* Letter from Nandita Yagnik, New Product Development, Phlx, to John Ayanian, Attorney, Office of Market Supervision (''OMS''), Division of Market Regulation (''Market Regulation''), Commission, dated December 27, 1995 (''Amendment No. 1'').

[4] The Exchange proposed additional maintenance standards to the Index, as described more fully herein. *See* Letter from Nandita Yagnik, New Products Development, Phlx, to John Ayanian, Attorney, OMS, Market Regulation, Commission, dated February 28, 1996 (''Amendment No. 2'').

[5] *See* Securities Exchange Act Release No. 36744 (January 19, 1996), 61 FR 2562

[6] *See infra* Section II.E, entitled ''Calculation of the Index,'' for a description of this calculation methodology.

[7] The component's of the Index are: Amgen, Inc.; Applied Materials; Bay Networks, Inc.; CISCO Systems; Intel Corp.; Microsoft Corp.; MCI Communications; Oracle Corp.; Sun Microsystems; and Tele Communications, Inc.

[8] *See* 17 CFR 240.11Aa3–1. A ''reported security'' is defined in paragraph (a)(4) of this rule as ''any listed equity security or NASDAQ security for which transaction reports are required to be made on a real-time basis pursuant to an effective transaction reporting plan.''

billion, with the mean being $22.4 billion. The market capitalization of all the securities in the Index was $224.5 billion. The total number of shares outstanding on that date for the stocks in the Index ranged from a high of 821.2 million shares to a low of 90.9 million shares.[9] Also on that date, the price per share in the U.S. of the securities in the Index ranged from a high of $85.375 to a low of $18.250. The average daily trading volume for the six month period from August 1, 1995 to February 1, 1996 ranged from a high of 18.7 million shares to a low of 1.29 million shares.[10] The average daily trading volume for all of the components of the Index for the same period was approximately 63.4 million shares.[11] Lastly, no one component accounted for more than 15.59% of the Index's total vale and the percentage weighting of the five largest issues in the Index accounted for 67.35% of the Index's value. The percentage weighting of the lowest weighted component was 3.31% of the Index.

C. *Maintenance*

The Phlx has retained Bridge Data, Inc. to compute and do all necessary maintenance of the Index. The Index value will be updated dynamically at least once every 15 seconds during the trading day. Pursuant to Phlx rule 1100A, updated Index values will be disseminated and displayed by means of primary market prints reported by the Consolidated Tape Association and over the facilities of the Options Price Reporting Authority. The Index value will also be available on broker/dealer interrogation devices to subscribers of the option information.

In accordance with Phlx rule 1009A, if any change in the nature of any stock in the Index occurs as a result of delisting, merger, acquisition or otherwise, the Exchange will take appropriate steps to delete that stock from the Index and replace it with another stock which the Exchange believes would be compatible with the intended market character of the Index. In making replacement determinations, the Exchange will also take into account the capitalization, liquidity, and volatility of a particular stock.

The Exchange represents that component stocks constituting the top 90% of the Index by weight, must have a minimum market capitalization of $75 million and the component stocks constituting the bottom 10% of the Index, by weight, must have a minimum market capitalization of $50 million. Additionally, the Phlx provides that the Index must meet the criteria that no single component represents more than 25% of the weight of the Index and that the five highest weighted components represent no more than 75% of the Index as of the first day of January and July in each year. Moreover, the Phlx represents that the monthly trading volume of each component security shall be at least 500,000 shares, or for each of the lowest weighted components in the Index that in the aggregate account for no more than 10% of the weight of the Index, the monthly trading volume must be at least 400,000 shares.[12] Finally, the Exchange represents that all of the stocks comprising the Index are options eligible [13] and have overlying options currently trading. At least 90% of the component issues, by weight, and 80% of the number of stocks, must be options eligible at all times.[14] If at any time the Index does not meet any of these maintenance requirements, the Exchange will submit a Rule 19b–4 filing to the Commission before opening any new series of options on the Index for trading. Additionally, if at any time, the Exchange determines to increase to more than thirteen or decrease to fewer than seven, the number of component issues in the Index, the Exchange will submit a new Rule 19b–4 filing.options exchanges, provide that a security underlying an option must, among other things, meet the following requirements: (1) the public float must be at least 7,000,000 shares; (2) there must be a minimum of 2,000 stockholders; (3) trading volume in the U.S. must have been at least 2.4 million over the preceding twelve months; and (4) the U.S. market price must have been at least $7.50 for a majority of the business days during the preceding three calendar months. *See* Phlx Rule 1009, Commentary .01.

D. Applicability of Phlx Rules Regarding Index Options

Except as modified by this order, Phlx Rules 1000A through 1103A, in particular, and Phlx Rules 1000 through 1070, in general, will be applicable to OTC Industrial Index options. Those rules address, among other things, the applicable position and exercise limits, policies regarding trading halts and suspensions, and margin treatment for narrow-based index options.

E. Calculation of the Index

The Phlx OTC Industrial Index is a price-weighted index and reflects changes in the prices of the Index component securities relative to the Index's base date of November 1, 1995. The formula for calculating the OTC Industrial Index is as follows:

$$\text{Index Value} = \frac{SP_1 + SP_2 + SP_3 + \cdots\cdots + SP_{13}}{\text{divisor}} \times 100$$

SP=the stock price of each component.

The current price of each component issue is added and multiplied by 100 shares to determine the current aggregate market value of the issues in the Index. To compute the current Index value, the aggregate market value is divided by the divisor. The Index value was set at a starting value of 150 as of November 1, 1995.

In order to maintain continuity in the value of the Index, the Index divisor will be adjusted for changes in capitalization of any of the component issues resulting from, among other things, mergers, acquisitions, delistings, and substitutions. Adjustments in the value of the Index which are necessitated by the addition and/or the deletion of an issue from the Index are made by adding and/or subtracting the market value (price times shares outstanding) of the relevant issues. The value of the Index as of the close of trading on Friday, January 4, 1996 was 279.27.

The settlement value for the Index options will be based on the opening values of the component securities on the date prior to expiration. Index options will expire on the Saturday following the third Friday of the expiration month, and the last day for trading in an expiring series will be the second business day (ordinarily a Thursday) preceding the expiration

[9] *See* Letter from Nandita Yagnik, New Products Development, Phlx, to John Ayanian, Attorney, OMS, Market Regulation, Commission, dated February 23, 1996 (''Trading Data Letter'').

[10] *Id.*

[11] *Id.*

[12] *See* Amendment No. 2, *supra* note 4.

[13] The Phlx's options listing standards, which are uniform among the

[14] Telephone conversation between Michele Weisbaum, Associate General Counsel, Phlx, and John Ayanian, Attorney, OMS, Market Regulation, Commission, on January 18, 1996.

date. If any of the component stocks do not open for trading on the last trading day before expiration, then the prior trading day's (i.e., normally Thursday's) last sale price will be used in the Index calculation.

F. *Contract Specifications*

The proposed Index options will be cash-settled, European-style options. As with the Exchange's other indexes, the multiplier for options on the OTC Industrial Index will be 100. The OTC Industrial Index options will trade from 9:30 a.m. to 4:10 p.m. eastern time. Exercise prices will be initially set at 5 point intervals and additional exercise prices will be added in accordance with Phlx Rule 1101A(a).

The Phlx will trade consecutive and cycle month series pursuant to Phlx Rule 1101A. Specifically, there will be three expiration months from the March, June, September, December cycle plus two additional near-term months so that the three nearest term months will always be available.

G. *Position and Exercise Limits, Margin Requirements, and Trading Halts*

Because the Index is classified as an ''industry index'' under Phlx rules, Exchange rules that are applicable to the trading of options on narrow-based indexes will apply to the trading of OTC Industrial Index options. Specifically, Exchange rules governing position and exercise limits,[15] margin requirements,[16] and trading halt procedures[17] that are applicable to the trading of the Exchange's other industry index options will apply to options traded on the Index.

H. *Surveillance*

The Exchange notes that procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor the trading of options on the OTC Industrial Index. These procedures included having complete access to trading activity in the underlying securities which are all traded through NASDAQ via the Intermarket Surveillance Group Agreement (''ISG Agreement'') dated July 14, 1983, as amended on January 29, 1990.[18]

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Sections 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of change, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market systems.

III. Commission Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b)(5).[19] Specifically, the Commission finds that the trading of OTC Industrial Index options will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means of hedging exposure to market risk associated with heavily traded industrial securities traded through NASQDAQ.[20] The trading of options on the OTC Industrial Index, however, raises several issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the Phlx has adequately addressed these issues.

A. Index Design and Structure

The Commission finds that the OTC Industrial Index is a narrow-based index, because it is only composed of ten stocks, comprising some of the largest industrial securities traded through NASDAQ. Accordingly, the Commission believes it is appropriate for the Phlx to apply its rules governing narrow-based index options to trading in the Index options.[21]

The Commission also finds that the large capitalizations, liquid markets, and relative weightings of the individual securities comprising the Index minimize the potential for manipulation of the Index. First, the securities comprising the Index are actively traded, with an average daily trading volume for all components for the period from August 1, 1995 through February 1, 1996, of approximately 63.4 million shares per day. Second, as of November 9, 1995, the market capitalizations of the individual securities in the Index ranged from a high of $57.5 billion to a low of $8.2 billion, with the mean being $22.4 billion. Third, although the Index is composed of only 10 securities, no particular component security or group of securities dominates the Index. Specifically, as of November 16, 1995, no component security contained in the Index accounted for more than 15.59% of the Index's total value and the five highest weighted securities in the Index accounted for 67.35% of the Index's value.

Fourth, the proposed maintenance criteria will serve to ensure that: (1) The Index remains composed substantially of liquid, highly capitalized securities; and (2) the Index is not dominated by any one security that does not satisfy the Exchange's options listing criteria. Specifically, in considering changes to the composition of the Index, 90% of the weight of the Index and 80% of the number of components in the Index must comply with the listing criteria for standardized options trading set forth in

[15] Pursuant to Phlx Rules 1001A and 1002A, respectively, the position and exercise limits for the Index options will be 9,000 contracts. *See* Amendment No. 1, *supra* note 3.

[16] Pursuant to Phlx Rule 722, the margin requirements for the Index options will be: (1) for short options positions, 100% of the current market value of the options contract plus 20% of the underlying aggregate Index value, less any out-of-the-money amount, with a minimum requirement of the options premium plus 10% of the underlying Index value; and (2) for long options positions, 100% of the options premium paid. *See* Amendment No. 1, *supra* note 3.

[17] Pursuant to Phlx Rule 1047A, the trading on the Phlx of Index options may be halted or suspended whenever trading in the underlying securities whose weighted value represents more than 10% of the Index value are halted or suspended.

[18] The Intermarket Surveillance Group (''ISG'') was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. *See* Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. *See* Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990. The members of the ISG are: the Amex; the Boston Stock Exchange, Inc.; the CBOE; the Chicago Stock Exchange, Inc.; the National Association of Securities Dealers, Inc. (''NASD''); the NYSE; the Pacific Stock Exchange, Inc.; and the Philadelphia Stock Exchange, Inc. Because of potential opportunities for trading abuses involving stock index futures, stock options, and the underlying stock and the need for greater sharing of surveillance information for these potential intermarket trading abuses, the major stock index futures exchanges (*e.g.*, the Chicago Mercantile Exchange and the Chicago Board of Trade) joined the ISG as affiliate members in 1990.

[19] 15 U.S.C. 78f(b)(5).

[20] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed Index options will provide investors with a hedging vehicle that should reflect the overall movement of some of the most heavily traded industrial securities traded through NASDAQ.

[21] *See supra* Section II.G.

Phlx Rule 1009 (for securities that are not then the subject of standardized options trading) and Phlx Rule 1010 (for securities that are then the subject of standardized options trading).[22] Additionally, the Phlx is required to review the composition of the Index at least quarterly to ensure that the Index continues to meet this 90%/80% criterion.

The Phlx will promptly notify the Commission staff at any time that the Phlx determines that the Index fails to satisfy any of the above maintenance criteria. Further, in such an event, the Exchange will not open for trading any additional series of Index options unless the Exchange determines that such failure is not significant, and the Commission staff affirmatively concurs in that determination, or unless the Commission specifically approves the continued listing of that class of Index options pursuant to a proposal filed in accordance with Section 19(b) of the Act.

For the above reasons, the Commission believes that these criteria minimize the potential for manipulation of the Index and eliminate domination concerns.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as OTC Industrial Index options, can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) the special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options will be subject to the same regulatory regime as the other standardized index options currently traded on the Phlx, the Commission believes that adequate safeguards are in place to ensure the protection of investors in OTC Industrial Index options.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation.[23] In this regard, the Commission notes that the NASD, the self-regulatory organization which oversees NASDAQ, the primary market for all of the Index's component securities, is a member of the ISG.[24] The Commission believes that this arrangement ensures the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Index option less readily susceptible to manipulation.

D. *Market Impact*

The Commission believes that the listing and trading on the Phlx of OTC Industrial Index options will not adversely impact the markets for the securities contained in the Index.[25] First, as described above, no one security or group of securities represented in the Index currently dominates the Index and the maintenance standards will continue to ensure that such domination does not occur. Second, the maintenance criteria for the Index ensure that the Index will be substantially comprised of securities that satisfy the Exchange's listing standards for standardized options trading and that the component stocks are actively-traded and well capitalized. Third, the 9,000 contract position and exercise limits applicable to Index options will serve to minimize potential manipulation and market impact concerns.

Lastly, the Commission believes that settling expiring OTC Industrial Index options based on the opening prices of the component securities is consistent with the Act.

The Commission finds good cause for approving Amendment No. 2 to the proposal prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Specifically, Amendment No. 2 provides objective maintenance criteria which, for the reasons stated above, minimize the potential for manipulation of the Index and the securities comprising the Index. Further, as discussed above, the Commission believes that these maintenance criteria significantly strengthen the customer protection and surveillance aspects of the proposal, as originally proposed.

Based on the above, the Commission finds good cause for approving Amendment No. 2 to the proposed rule change on an accelerated basis and believes that the proposal, as amended, is consistent with Sections 6(b)(5) and 19(b)(2) of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 2. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to the File Number SR–Phlx–95–92 and should be submitted by April 1, 1996.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[26] that the proposed rule change (File No. SR–Phlx–95–92), as amended, is approved.[27]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[28]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–5966 Filed 3–12–96; 8:45 am]

BILLING CODE 8010–01–M

[22] Additionally, the securities contained in the Index must be ''reported'' securities and must be Nasdaq/NM securities.

[23] *See* Securities Exchange Act Release No. 31243 (September 28, 1992), 57 FR 45849 (October 5, 1992).

[24] *See supra* note 16.

[25] The Commission notes that trading of Phlx OTC Industrial Average Index options is contingent upon the Exchange submitting to the Commission's Division of Market Regulation, the letter from OPRA (''OPRA Capacity Letter'') to the Exchange indicating that the Exchange has adequate systems processing capacity to accommodate the listing of OTC Industrial Index options.

[26] 15 U.S.C. 78s(b)(2).

[27] As noted above, trading of OTC Industrial Index options is contingent upon the Exchange submitting the OPRA Capacity Letter to the Division of Market Regulation. *See supra* note 25.

[28] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission.

DATES: Comments should be submitted on or before April 12, 1996. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205–6629

OMB Reviewer: Donald Arbuckle, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503

Title: Nomination for the Small Business Prime Contractor and Subcontractor of the Year Award.

Form No. SBA Forms 883 and 1375.

Frequency: Annually.

Description of Respondents: Small Businesses.

Annual Responses: 369.

Annual Burden: 1,476.

Title: Prime Contracts Program Quarterly Report.

Form No. SBA Form 843A and 843B.

Frequency: On occasion.

Description of Respondents: Procurement Center Representatives.

Annual Responses: 335.

Annual Burden: 1,340.

Title: Small Business Investment Company (SBIC) Leverage Application Forms and Documents, Leverage Application Kits.

Form No. SBA 25, 26, 27, 28, 33, 34, 44C, 1022, 1022A, 1065, 444D.

Frequency: On occasion.

Description of Respondents: Small Business Investment Companies and Minority Small Business Investment Companies.

Annual Responses: 150.

Annual Burden: 1,040.

Title: Survey of High Technology Firms.

Form No. SBA Temporary Form 1967.

Frequency: One Time Survey.

Description of Respondents: Small Business.

Annual Responses: 1,200.

Annual Burden: 500.

Jacqueline White,

Acting Chief, Administrative Information Branch.

[FR Doc. 96–5942 Filed 3–12–96; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–96–10]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 2, 1996.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on May 7, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28486.

Petitioner: Zero-Gravity Corporation.

Sections of the FAR Affected: 14 CFR 91.303 and 91.307(c).

Description of Relief Sought: To allow the Zero-Gravity Corporation to (1) Conduct parabolic flights without meeting the limitations on aerobatic flights in § 91.303 and (2) conduct certain flight maneuvers that exceed the limitations specified in § 91.307(c) without requiring aircraft occupants to wear an approved parachute.

[FR Doc. 96–6017 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–96–11]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket

number involved and must be received on or before April 2, 1996.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on May 7, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28438.
Petitioner: USA Jet Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.613, 121.619(a), and 121.625.
Description of Relief Sought: To allow USA Jet Airlines, Inc., to release airplanes under instrument flight rules when the remarks section of the weather forecast indicates that conditions may be ''occasionally,'' ''intermittently,'' ''briefly,'' or ''have a chance of being'' below the authorized minimums at the destination airport, alternate airport, or both, at the time of arrival, provided that the main body of the weather forecast or weather report shows that the weather conditions will be at or above the authorized weather minimums at the time of arrival.

Dispositions of Petitions

Docket No.: 21780.
Petitioner: Civil Air Patrol.
Sections of the FAR Affected: 14 CFR 61.118.
Description of Relief Sought/ Disposition: To extend and amend Exemption No. 4042, as amended, which permits members of the Civil Air Patrol who are private pilots to be reimbursed for fuel, oil, and maintenance costs that are directly related to the performance of official search and rescue missions. The amendment, which is denied, would have added reimbursement for per diem expenses.
GRANT, January 30, 1996, Exemption No. 4042F

Docket No.: 23713.
Petitioner: SimuFlite Training International.
Sections of the FAR Affected: 14 CFR 61.55(b)(2); 61.56(c)(1); 61.57 (c) and (d); 61.58(c) (1) and (d); 61.63(c) (2) and (d) (2) and (3); 61.65(c), (e) (2) and (3), and (g); 61.67(d)(2); 61.157(d) (1) and (2) and (e) (1) and (2); 61.191(c); and appendix A, part 61.
Description of Relief Sought/ Disposition: To extend Exemption No. 3931, as amended, which permits SimuFlite to use FAA-approved simulators to meet certain flight experience requirements of part 61.
GRANT, February 26, 1996, Exemption No. 3931J

Docket No.: 27284.
Petitioner: Air One Helicopters, Inc.
Sections of the FAR Affected: 14 CFR 135.411(a)(2) and 135.423.
Description of Relief Sought/ Disposition: To allow Air One Helicopters, Inc., to operate its Sikorsky SK58T helicopters with 14 passenger seats while performing firefighting activities for Federal and local agencies without complying with certain performance, operations, maintenance requirements.
DENIAL, January 25, 1996, Exemption No. 6391

Docket No.: 27455.
Petitioner: Air Logistics.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To extend Exemption No. 5830, which permits appropriately trained pilots employed by Air Logistics to remove and reinstall the passenger seats in its aircraft that are type certificated for nine or fewer passenger seats and used in operations conducted by Air Logistics under part 135.
GRANT, January 30, 1996, Exemption No. 5830A

Docket No.: 27929.
Petitioner: Airline Training Center Arizona, Inc.
Sections of the FAR Affected: 14 CFR 61.93.
Description of Relief Sought/ Disposition: To extend and amend Exemption No. 6227, which permits Airline Training Center Arizona, Inc., (ATCA) student pilots to operate aircraft for practice solo air work within 50 nautical miles of Phoenix-Goodyear Airport prior to receiving the instruction required by § 61.93(c)(1)(i), (ii), (iii), and (c)(2)(iii) of the FAR. The amendment revises Condition No. 1 so that the authority of the exemption is not limited to ATCA's flight instructors and students who are enrolled in ATCA's part 141 school.
GRANT, February 26, 1996, Exemption No. 6227A

Docket No.: 27963.
Petitioner: Jim Air, Inc.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To allow appropriately trained pilots employed by Jim Air, Inc. (Jim Air), to remove and reinstall passenger seats in its aircraft that are type certificated for nine seats and used in operations by Jim Air conducted under part 135.
GRANT, January 16, 1996, Exemption No. 6388

Docket No.: 28321.
Petitioner: Hoeger, Pearce and Hoeger Ent., d.b.a. Ed's Air Service.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To allow appropriately trained pilots employed by Hoeger, Pearce and Hoeger Ent., d.b.a. Ed's Air Service (EAS) to remove and reinstall the passenger seats in its aircraft that are type certificated for nine or fewer passenger seats and used in operations conducted by EAS under part 135.
GRANT, January 23, 1996, Exemption No. 6392

Docket No.: 28357.
Petitioner: United Airlines.
Sections of the FAR Affected: 14 CFR 145.45(f).
Description of Relief Sought/ Disposition: To allow United Airlines to make available to all of its supervisory and inspection personnel one copy of its repair station inspection procedures manual (IPM), rather than providing a copy of the manual to each of these individuals.
GRANT, January 23, 1996, Exemption No. 6393

[FR Doc. 96–6018 Filed 3–12–96; 8:45 am]
BILLING CODE 4910–13–M

Revised Notice of Opportunity to Participate, Criteria Requirements and Change of Application Procedure for Participation in the Fiscal Year 1996 Military Airport Program (MAP)

AGENCY: Federal Aviation Administration, Department of Transportation (DOT).

ACTION: Notice of extension of application date.

SUMMARY: The Federal Aviation Administration (FAA) is extending from January 22, 1996 to March 29, 1996 the deadline for airport sponsors to apply for designation, or continued participation, in the Military Airport Program. The FAA is similarly extending from January 15, 1996 to May 31, 1996, the date by which a sponsor of a former or current military airport must be able to document the requisite property interest to qualify to receive grants of Federal financial assistance under the Airport Improvement Program.

DATES: Airport sponsors should address written applications for designation, or continued participation, in the fiscal year 1996 Military Airport Program to the Federal Aviation Administration (FAA) Regional Airports Division or Airports District Office that serves the airport. Applications must be received by that office of the FAA by March 29, 1996.

ADDRESSES: Send an original and two copies of Standard Form 424, ''Application for Federal Assistance,'' and supporting and justifying documentation, specifically requesting to be considered for designation to participate, or continue, in the fiscal year 1996 Military Airport Program, to the Regional FAA Airports Division or Airports District Office that serves the airport.

FOR FURTHER INFORMATION CONTACT: Mr. James V. Mottley or Leonard C. Sandelli, Military Airport Program Office (APP–4), Office of Airport Planning and Programming, Federal Aviation Administration (FAA), 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–8780, or (202) 267–8785, respectively.

SUPPLEMENTARY INFORMATION: This notice extends the dates of the original notice which was issued in 60 FR 54560, October 24, 1995, ''Notice of Opportunity to Participate, Criteria Requirements and Change of Application Procedures for Participation in the Fiscal Year 1996 Military Airport Program.'' This notice announces extension of the date for submissions of applications and of the date by which the airport sponsor must possess title, a long-term lease, or joint use agreement for the property on which the civilian airport is located.

Application Procedures

The Dates section of 60 FR 54560, October 24, 1995, is revised to provide that applications must be submitted to the airports district office or the airports division that serves the airport applying for the program by March 29, 1996.

Information To Be Contained in Application, New Airports

Section (4) of the qualifications for new airports (60 FR 54561, October 24, 1995) is modified as follows: In the case of a former military airport, documentation that the local or State airport sponsor holds satisfactory title, or a long term lease for 20 years or more, to the property on which the civilian airport is being located. In the case of a current military airport, documentation that the airport sponsor has an existing joint-use agreement with the military department having jurisdiction over the airport. (The title transfer, lease, or joint use agreement must be effective on or before May 31, 1996. This is necessary so the airport sponsor qualifies as an eligible sponsor to receive grants of Federal financial assistance under the Airport Improvement Program.)

Paul L. Galis,

Director, Office of Airport Planning and Programming.

[FR Doc. 96–6023 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–13–M

Maritime Administration

[Docket S–933]

OMI Patriot Transport, Inc.; OMI Courier Transport, Inc.; OMI Rover Transport, Inc.; Application for Modification of Operating-Differential Subsidy Agreements

By application of February 28, 1996, pursuant to Title VI of the Merchant Marine Act, 1936, as amended, and Article II–25 of Operating- Differential Subsidy Agreements (ODSAs) No. MA/MSB–167 (a), (b), (c) and (d), OMI Patriot Transport, Inc., OMI Courier Transport, Inc., and OMI Rover Transport, Inc. (Applicants) requested approval for modification of Article I–3(a) of the ODSAs to incorporate the PLATTE in the ODSAs and approval to include the PLATTE in an Operating-Differential Subsidy (ODS) sharing system among the vessels named in the ODSAs. The vessels currently named in the ODSAs, under an ODS sharing arrangement are the COURIER, PATRIOT, RANGER, ROVER, OMI MISSOURI, OMI SACRAMENTO, and OMI COLUMBIA. In addition, the Applicants request authorization to use unused subsidy days for the operation of the PLATTE for its economic life (approximately 11 years). The PLATTE, which is owned by OMI Corp., is a 37,060 DWT U.S.-flag dry bulk carrier that began operating in 1982.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such application and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7210, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Comments must be received no later than 5:00 p.m. on March 22, 1996. The Maritime Administration will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 (Operating-Differential Subsidies).)

Dated: March 8, 1996.

By Order of the Maritime Subsidy Board.

Joel C. Richard,

Secretary.

[FR Doc. 96–5987 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

[NHTSA Docket No. 96–005–N01]

Crash Risk of Alcohol-Involved Driving Study; Proposed Information Collection

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice and request for comments on data collection.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA) play key roles in national efforts to reduce alcohol involved crash injuries and fatalities. NHTSA and NIAAA have jointly funded a study to determine the relative risk of crash involvement associated with elevated blood alcohol concentrations (BACs) when compared with a zero blood alcohol concentration. One important part of the data collection for this effort is a questionnaire to measure crash and alcohol covariates in the population being studied. *Current* data of this kind do not exist and cannot be

collected by any other method. NHTSA and NIAAA invite the general public and other Federal Agencies to comment on this part of the study as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 13, 1996.

ADDRESSES: Direct all written comments to NHTSA, Docket Section, Room 5111, Docket # 96–005–N01, 400 7th Street SW, Washington DC 20590.

FOR FURTHER INFORMATION CONTACT: Paul J. Tremont, Ph.D., Co-Contracting Officer's Technical Representative, Office of Program Development and Evaluation (NTS–30), Washington, DC 20590, or Susan Martin, Ph.D., Co-Contracting Officer's Technical Representative, Division of Clinical and Prevention Research, NIAAA, Suite 505, 6000 Executive Blvd., Rockville, MD 20892.

SUPPLEMENTARY INFORMATION:

I. Abstract

More than 300,000 persons were reported as injured and more than 16,500 persons died in alcohol-related motor vehicle crashes in 1994 (Traffic Safety Facts: 1994, Alcohol, NHTSA—National Center for Statistics and Analysis). NHTSA and NIAAA are committed to the development of effective programs to reduce this morbidity and mortality due to driving under the influence (DUI). To aid in filling this commitment, a better understanding of driver characteristics and alcohol levels in alcohol-involved crashes is required. The objective of this study is to compare the BACs of crash-involved drivers and similarly at risk non-crash involved drivers to determine the relative risk of a crash at various BACs compared to zero BAC (while controlling for other determinants of crashes).

II. Method of Collection

Data will be collected voluntarily and anonymously from crash involved drivers and control (non-crash involved) drivers. Two sites (cities or jurisdictions) will be used. Crash involved drivers will be interviewed and a voluntary alcohol breath test will be performed by trained research personnel at the scene. One week following each sampled crash, interviews and voluntary alcohol breath tests will be conducted on similarly-exposed (same location, same time of day) non-crash drivers. All drivers, crash and control, will be interviewed using the same questionnaire. By comparing the breath alcohol levels of crash and control drivers, while accounting for critical covariates such as age, gender, patterns of alcohol use, and sleep loss, the relative risk of a crash at differing BACs for different groups will be determined.

III. Use of Findings

The findings of this study will assist NHTSA and NIAAA in addressing the problem of alcohol impaired drivers and in formulating programs and recommendations to the Congress. The findings will be used to support decision making by State and local highway safety agencies, law enforcement agencies, and citizen activist groups regarding the effective allocation of resources to address the alcohol crash problem. The data being sought are fundamental to the development and targeting of effective countermeasures to prevent DUI among the driving groups found to be at greatest risk.

IV. Data

OMB Number: None.

Form Number: None.

Type of review: Regular submission.

Affected public: A total of approximately 10,000 drivers (1000 crash and 4000 non-crash (control) at each site).

Estimated number of respondents: 10,000.

Estimated time per survey response: 8 min, 30 sec.

Estimated total burden hours: 1,417.

Estimated total cost of project including survey component: $137 per survey respondent.

V. Request for Comments

Comments are invited on: (a) The need for the proposed collection and the uses of the data to meet the objectives of the study, (b) the types of questions that should be asked of respondents, (c) ways to enhance the quality, utility, and clarity of the information collected, (d) the accuracy of the burden estimate, (e) ways to minimize the burden of the collection of information on the respondents.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection. Copies of all comments will be placed in Docket 96–005, Notice 1, in the NHTSA Docket Section in Room 5109, Nassif Building, 400 7th Street S.W., Washington, DC 20590 and will become a matter of public record.

James H. Hedlund,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 96–6025 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 96–016; Notice 01]

RIN 2127–AF57

Preliminary Theft Data; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Publication of preliminary theft data; request for comments.

SUMMARY: This document requests comments on data about passenger motor vehicle thefts that occurred in calendar year (CY) 1994, including theft rates for existing passenger motor vehicle lines manufactured in model year (MY) 1994. The theft data preliminarily indicate that the vehicle theft rate for CY/MY 1994 vehicles (4.09 thefts per thousand vehicles) increased by 2.8 percent from the theft rate for CY/MY 1993 vehicles (3.98 thefts per thousand vehicles).

Publication of these data fulfills NHTSA's statutory obligation to periodically obtain accurate and timely theft data, and publish the information for review and comment.

DATES: Comments must be submitted on or before May 13, 1996.

ADDRESSES: All comments should refer to the docket number and notice number cited in the heading of this document and be submitted, preferably with ten copies to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366–0846. Her fax number is (202) 493–2739.

SUPPLEMENTARY INFORMATION: NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR Part 541. The standard specifies performance requirements for inscribing or affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement

parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data, and publish the data for review and comment. To fulfill the § 33104(b)(4) mandate, this document reports the preliminary theft data for CY 1994, the most recent calendar year for which data are available.

In calculating the 1994 theft rates, NHTSA followed the same procedures it used in calculating the MY 1993 theft rates. (For 1993 theft data calculations, see 61 FR 1228, January 18, 1996). As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a governmental system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

The 1994 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 1994 vehicles of that line stolen during calendar year 1994, by the total number of vehicles in that line manufactured for MY 1994, as reported to the Environmental Protection Agency.

The preliminary 1994 theft data show an increase in the vehicle theft rate when compared to the theft rate experienced in CY/MY 1993. The preliminary theft rate for MY 1994 passenger vehicles stolen in calendar year 1994 increased to 4.09 thefts per thousand vehicles produced, an increase of 2.8 percent from the rate of 3.98 thefts per thousand vehicles experienced by MY 1993 vehicles in CY 1993. For MY 1994 vehicles, out of a total of 202 vehicle lines, 94 lines had a theft rate higher than 3.5826 per thousand vehicles, the established median theft rate for MYs 1990/1991. (See 59 FR 12400, March 16, 1994). Of the 94 vehicle lines with a theft rate higher than 3.5826, 73 are passenger car lines, 19 are multipurpose passenger vehicle lines, and 2 are light-duty truck lines.

In Table I, NHTSA has tentatively ranked each of the MY 1994 vehicle lines in descending order of theft rate. Public comment is sought on the accuracy of the data, including the data for the production volumes of individual vehicle lines.

Comments must not exceed 15 pages in length (49 CFR Part 553.21). Attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business regulation 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for this document will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments on this document will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available for inspection in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Authority: 49 U.S.C. 33101, 33102 and 33104; delegation of authority at 49 CFR 1.50.

THEFT RATES OF MODEL YEAR 1994 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1994

Manufacturer	Make/model (line)	Thefts 1994	Production (Mfgr's) 1994	1994 (per 1,000 vehicles produced) theft rate
1 Mitsubishi	Montero	488	10,295	47.4017
2 Chrysler Corp	Plymouth Sundance	1,579	65,482	24.1135
3 Chrysler Corp	Lebaron Sedan	574	26,038	22.0447
4 Chrysler Corp	Lebarpm Coupe/Convertible	748	37,093	20.1655
5 Porsche	911	29	1,461	19.8494
6 Chrysler Corp	Dodge Shadow	1,714	90,288	18.9837
7 Ferrari	512	1	54	18.5185
8 Chrysler Corp	Dodge Spirit	1,236	68,409	18.0678
9 Chrysler Corp	Plymouth Acclaim	1,232	71,595	17.2079
10 Volksqagen	Corrado	3	200	15.0000
11 Mitsubishi	Mirage	468	34,215	13.6782
12 Mitsubishi	expo	180	13,175	13.6622
13 Mitsubishi	Diamante	293	21,908	13.3741
14 Honda/Acura	NSX	9	680	13.2353
15 Toyota	Supra	43	3,540	12.1469
16 Isuzu	Amigo	30	2,500	12.0000
17 Hyundai	Sonata	24	2,010	11.9403
18 Nissan	300ZX	51	4,298	11.8660
19 Mitsubishi	3000GT	111	10,170	10.9145
20 Nissan	Mazima	560	52,109	10.7467
21 Mitsubishi	Precia	7	799	8.7610
22 Hyundai	Scoupe	106	12,527	8.4617
23 BMW	3	428	50,650	8.4501

THEFT RATES OF MODEL YEAR 1994 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1994—Continued

Manufacturer	Make/model (line)	Thefts 1994	Production (Mfgr's) 1994	1994 (per 1,000 vehicles produced) theft rate
24 Toyota	4-Runner	586	69,700	8.4075
25 Chrysler Corp	Jeep Cherokee	2,901	349,604	8.2980
26 Ford Motor Co	Mustang	1,018	123,198	8.2631
27 General Motors	Oldsmobile Cutlass Ciera	1,028	125,896	8.1655
28 Hyundai	Elantra	313	39,386	7.9470
29 Mercedes-Benz	129 (SL-Class)	43	5,532	7.7730
30 Mazda	RX–7	26	3,408	7.6291
31 Toyota	Lexus SC	44	5,930	7.4199
32 Porsche	928	1	136	7.3529
33 Chrysler Corp	Jeep Wrangler	494	67,877	7.2779
34 Nissan	Pathfinder	441	62,439	7.0629
35 Nissan	240SX	8	1,167	6.8552
36 BMW	5	166	25,232	6.5789
37 Honda/Acura	Legend	329	50,140	6.5616
38 Ford Motor Co	Tempo	924	144,608	6.3897
39 General Motors	Geo Tracker	304	47,800	6.3598
40 BMW	7	60	9,564	6.2735
41 Mitsubishi	Pickup Truck	73	11,780	6.1969
42 General Motors	Buick Century	777	126,871	6.1243
43 Ford Motor Co	Lincoln Town Car	687	113,026	6.0782
44 Toyota	Lexus LS	136	22,500	6.0444
45 Hyundai	Excel	302	50,421	5.9896
46 Toyota	Lexus GS	77	12,900	5.9690
47 BMW	8	4	674	5.9347
48 Suzuki	Samurai	11	1,930	5.6995
49 General Motors	GMC Jimmy S–15	336	59,671	5.6309
50 Mazda	929	57	10,124	5.6302
51 Nissan	Sentra	1,025	187,877	5.4557
52 General Motors	Oldsmobile Achieva	291	53,545	5.4347
53 Mazda	323/Protege	556	103,637	5.3649
54 Chrysler Corp	Dodge Caravan/Grand	1,533	286,772	5.3457
55 Nissan	Altima	703	132,183	5.3184
56 Ford Motor Co	Mercury Topaz	266	50,858	5.2302
57 Nissan	Infiniti Q45	89	17,190	5.1774
58 General Motors	Chevrolet Blazer S–10	814	158,876	5.1235
59 General Motors	Chevrolet Lumina APV	238	48,312	4.9263
60 General Motors	Chevrolet Beretta	305	62,133	4.9088
61 General Motors	Pontiac Sunbird	463	94,475	4.9008
62 General Motors	Chevrolet Corsica	657	135,994	4.8311
63 Mercedes-Benz	140 (S-Class)	56	11,681	4.7941
64 Chrysler Corp	Plymouth Voyager/Grand	1,062	223,743	4.7465
65 Mitsubishi	Eclipse	179	37,930	4.7192
66 Chrysler Corp	Town & Country MPV	172	37,297	4.6116
67 General Motors	Chevrolet Corvette	102	22,230	4.5884
68 General Motors	Oldsmobile Silhouette APV	68	14,920	4.5576
69 Mitsubishi	Galant/Sigma	378	84,390	4.4792
70 Suzuki	Sidekick	107	24,390	4.3870
71 Porsche	968	6	1,379	4.3510
72 General Motors	Pontiac Trans Sport APV	150	34,704	4.3223
73 General Motors	Cadillac Fleetwood	96	22,841	4.2030
74 Toyota	Corolla/Corolla Sport	874	209,850	4.1649
75 General Motors	Buick Skylark	240	58,346	4.1134
76 Toyota	Paseo	48	11,700	4.1026
77 Honda/Acura	Integra	293	71,490	4.0985
78 General Motors	Geo Metro	375	92,640	4.0479
79 Ford Motor Co	Probe	344	85,305	4.0326
80 Volkswagen	Cabriolet	5	1,244	4.0193
81 General Motors	Oldsmobile Bravada	72	18,031	3.9931
82 Chrysler Corp	New Yorker/LHS	354	89,485	3.9560
83 Toyota	Tercel	396	101,200	3.9130
84 Honda/Acura	Vigor	61	15,600	3.9103
85 Toyota	Camry	1,257	324,900	3.8689
86 Honda	Civic	1,066	280,376	3.8020
87 Kia Motors	Sephia	64	17,000	3.7647
88 Chrysler Corp	Plymouth Laser	20	5,317	3.7615
89 Ford Motor Co	Thunderbird	445	120,314	3.6987
90 Mazda	MPV Wagon	102	27,695	3.6830
91 General Motors	Pontiac Grand Am	846	230,103	3.6766

THEFT RATES OF MODEL YEAR 1994 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1994—Continued

Manufacturer	Make/model (line)	Thefts 1994	Production (Mfgr's) 1994	1994 (per 1,000 vehicles produced) theft rate
92 General Motors	Chevrolet Sportvan G–10	8	2,186	3.6597
93 Ford Motor Co	Mercury Sable	375	102,968	3.6419
94 General Motors	Chevrolet Cavalier	978	268,550	3.6418
95 Ford Motor Co	Lincoln Mark VIII	96	26,985	3.5575
96 Toyota	Celica	127	35,700	3.5574
97 Mazda	626/MX–6	369	103,861	3.5528
98 Honda	Prelude	128	36,804	3.5473
99 Ford Motor Co	Lincoln Continental	175	49,453	3.5387
100 General Motors	Chevrolet Camaro	428	120,991	3.5375
101 Toyota	Pickup Truck	691	196,200	3.5219
102 Isuzu	Rodeo	206	59,300	3.4739
103 Toyota	Previa	57	16,860	3.3808
104 Mazda	MX-5 Miata	67	20,128	3.3287
105 Mercedes-Benz	124 (E-Class)	80	24,711	3.2374
106 Ford Motor Co	Escort	919	285,400	3.2200
107 Ford Motor Co	Taurus	959	303,540	3.1594
108 Nissan	Pickup Truck	371	119,322	3.1092
109 Chrysler Corp	Eagle Talon	68	21,885	3.1072
110 General Motors	Chevrolet Lumina	257	82,746	3.1059
111 Volkswagen	Passat	16	5,163	3.0990
112 Jaguar	XJ12	31	10,004	3.0988
113 General Motors	Pontiac Firebird	142	45,914	3.0927
114 Subaru	SVX	8	2,607	3.0687
115 Honda	Passport	61	20,000	3.0500
116 Honda	Accord	1,308	430,055	3.0415
117 Isuzu	Trooper	72	24,000	3.0000
118 Ford Motor Co	Aspire	114	38,000	3.0000
119 Volvo	940	81	27,561	2.9389
120 Isuzu	Pickup	63	22,400	2.8125
121 Mazda	MX-3	43	15,459	2.7816
122 Volvo	960	22	7,959	2.7642
123 Nissan	Infiniti G20	25	9,117	2.7421
124 Mazda	Navajo	21	7,702	2.7266
125 Ford Motor Co	Crown Victoria	188	69,279	2.7137
126 Ford Motor Co	Aerostar	352	132,451	2.6576
127 General Motors	Chevrolet Astro	347	134,368	2.5825
128 Suzuki	Swift	41	15,960	2.5689
129 Ford Motor Co	Mercury Cougar	182	71,027	2.5624
130 General Motors	GMC Safari	115	44,960	2.5578
131 General Motors	Oldsmobile Cutlass Cruiser	24	9,600	2.5000
132 Nissan	Infiniti J30	51	20,696	2.4642
133 Ford Motor Co	Mercury Tracer	113	46,051	2.4538
134 General Motors	Geo Prizm	265	108,000	2.4537
135 Ford Motor Co	Mercury Capri	9	3,683	2.4437
136 Volkswagen	Jetta	115	47,208	2.4360
137 General Motors	Chevrolet S–10 Pickup	513	219,729	2.3347
138 Chrysler Corp	Dodge Stealth	39	17,795	2.1916
139 Ford Motor Co	Explorer	742	340,293	2.1805
140 Toyota	Lexus ES	81	37,300	2.1716
141 Audi	S4	1	463	2.1598
142 Subaru	Legacy	64	30,301	2.1121
143 General Motors	Oldsmobile Cutlass Supreme	233	110,556	2.1075
144 Chrysler Corp	Intrepid	269	130,604	2.0597
145 General Motors	Saturn SC	115	56,258	2.0442
146 General Motors	Ssturn SL	363	180,462	2.0115
147 Chrysler Corp	Dodge Dakota Pickup	206	102,490	2.0100
148 General Motors	Cadillac Deville/Sixty Special	226	114,052	1.9816
149 General Motors	Chevrolet C–1500 Pickup	574	290,265	1.9775
150 General Motors	Pontiac Bonneville	154	80,157	1.9212
151 Ford Motor Co	Mercury Grand Marquis	179	95,074	1.8827
152 Jaguar	XJS	8	4,461	1.7933
153 General Motors	Chevrolet Caprice	147	83,655	1.7572
154 General Motors	Pontiac Grand Prix	234	133,664	1.7507
155 Mazda	B Series Pickup	141	81,636	1.7272
156 Nissan	Quest	69	42,575	1.6207
157 Toyota	MR2	1	620	1.6129
158 Volvo	850	70	44,241	1.5822
159 Toyota	T100 Pickup Truck	21	13,300	1.5789

THEFT RATES OF MODEL YEAR 1994 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1994—Continued

Manufacturer	Make/model (line)	Thefts 1994	Production (Mfgr's) 1994	1994 (per 1,000 vehicles produced) theft rate
160 Volksqagen	Golf III/GTI	19	12,394	1.5330
161 Audi	100	7	4,691	1.4922
162 Chrysler Corp	Concorde	100	70,394	1.4206
163 General Motors	Oldsmobile 88 Royale	104	74,702	1.3922
164 Mercedes-Benz	202 (C-Class)	24	17,379	1.3810
165 General Motors	Cadillac Eldorado	33	23,918	1.3797
166 General Motors	Cadillac Seville	57	41,712	1.3665
167 Aidi	90	4	2,943	1.3592
168 Subaru	Impreza	12	9,067	1.3235
169 SAAB	9000	7	5,334	1.3123
170 General Motors	Buick Regal	102	78,549	1.2986
171 Chrysler Corp	Eagle Summit	35	26,982	1.2972
172 Chrysler Corp	Eagle Vision	28	21,999	1.2728
173 SAAB	900	16	12,734	1.2565
174 Ford Motor Co	Ranger Pickup	512	418,737	1.2227
175 General Motors	GMC Sonoma	117	97,411	1.2011
176 General Motors	GMC Sierra 1500 Pickup	185	159,649	1.1588
177 General Motors	Oldsmobile 98/Touring	28	24,909	1.1241
178 General Motors	Buick Lesabre	148	149,211	0.9919
179 Subaru	Loyale	3	3,430	0.8746
180 General Motors	Saturn SW	14	16,415	0.8529
181 Chrysler Corp	Dodge Viper	2	2,365	0.8457
182 Subaru	Justy	2	2,391	0.8365
183 General Motors	Buick Roadmaster	28	34,970	0.8007
184 General Motors	Buick Park Avenue	48	61,194	0.7844
185 Jaguar	XJ6	1	1,452	0.6887
186 Ford Motor Co	E150 Van	51	76,347	0.6680
187 Ford Motor Co	Mercury Villager (MPV)	36	54,094	0.6655
188 Chrysler Corp	Dodge Colt/Colt Vista	16	26,083	0.6134
189 Chrysler Corp	Plymouth Colt/Colt Vista	11	18,172	0.6053
190 Ford Motor Co	F150 Pickup Truck	237	437,219	0.5421
191 Alfa Romeo	Spider	0	187	0.0000
192 Lotus	Espirit	0	211	0.0000
193 Ferrari	348	0	430	0.0000
194 General Motors	GMC Rally Sportuan	0	726	0.0000
195 Lamborghini	DIablo	0	66	0.0000
196 Rolls-Royce	Turbo R	0	31	0.0000
197 Rolls-Royce	Corniche/Continental	0	80	0.0000
198 Rolls-Royce	Sil Spirit/Spur/Muls/Eight	0	108	0.0000
199 Rolls-Royce	Brooklands	0	58	0.0000
200 Audi	V8	0	17	0.0000
201 Volkswagen	Eurovan	0	15	0.0000
202 Alfa Romeo	164	0	362	0.0000

Issued on: March 8, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–6024 Filed 3–12–96; 8:45am]

BILLING CODE 4910–59–M

Surface Transportation Board [1]

[SBT Docket No. AB–406 (Sub-No. 6X)]

Central Kansas Railway, Limited Liability Company—Abandonment Exemption—in Marion and McPherson Counties, KS

Central Kansas Railway, Limited Liability Company (CKR) [2] has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 33.4-mile portion of its line of railroad known as the McPherson Subdivision from milepost 10 plus 2,418 feet at or near Marion to milepost 43 plus 4,505 feet at or near McPherson, in Marion and McPherson Counties, KS.[3]

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903.

[2] CKR is a subsidiary of OmniTRAX, Inc., a noncarrier holding company. OmniTRAX was authorized to control CKR, pursuant to the notice of exemption in *Patrick D. Broe, The Broe Companies, The Great Western Railway Company, Railco, Inc., Chicago West Pullman Transportation Corp., et al.—Corporate Family Reorganization Exemption,* Finance Docket No. 32531 (ICC served July 12, 1994).

[3] Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. The applicant in its verified

CKR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 12, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[4] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[5] and trail use/rail banking requests under 49 CFR 1152.29[6] must be filed by March 25, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 2, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Michael J. Ogborn, Manager, Central Kansas Railway, Limited Liability Company, 252 Clayton Street, 4th Floor, Denver, CO 80206.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CKR has filed an environmental report which addresses the abandonments effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 18, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 29, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–5903 Filed 3–12–96; 8:45 am]

BILLING CODE 4915–00–P

notice, indicated a proposed consummation date of April 11, 1996. Because the verified notice was not filed until February 22, 1996, however, consummation should have not been proposed to take place prior to April 12, 1996. Applicant's representative has been contacted and informed of the correct consummation date.

[4] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[5] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[6] The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Corrections

Federal Register
Vol. 61, No. 50
Wednesday, March 13, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Processing (Updating)

Correction

In notice document 96–4906 beginning on page 8261, in the issue of Monday, March 4, 1996, make the following correction:

On page 8261, in the second column, under **DATES:**, in the second line, ''May 4, 1996.'' should read ''May 3, 1996.''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 27474; Amendment No. 1–44, 91–249, 121–254, 125–25 and 135–61]

RIN 2120–AF12

Extended Overwater Operations with a Single Long-Range Communication System (LRCS) and a Single Long-Range Navigation System (LRNS)

Correction

In rule document 96–4263, beginning on page 7186 in the issue of February 26, 1996, make the following correction:

§ 91.511 [Corrected]

On page 7190, in the third column, in amendatory instruction 4 to § 91.511, in the first line, ''§ 91.11'' should read ''§ 91.511''.

BILLING CODE 1505–01–D

Federal Register

Wednesday
March 13, 1996

Part II

Department of Commerce

International Trade Administration

Commerce Trade Fair Privatization: Private Sector Organization and Management of U.S. Exhibitor Pavilion in Tokyo Motor Show; Notice

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 960306059–6059–01]

RIN: 0625–XX06

Commerce Trade Fair Privatization: Private Sector Organization and Management of U.S. Exhibitor Pavilion in Tokyo Motor Show

AGENCY: International Trade Administration, Commerce.

ACTION: Notice; request for proposals.

SUMMARY: This notice sets forth a summary of the objectives and procedures for qualified U.S. firms to assume responsibility for recruiting, promoting, organizing, and managing a U.S. exhibitor presence at the 1997 Tokyo Motor Show, Tokyo, Japan. This event was previously organized and managed by Commerce. In this context and throughout this notice, this transfer of responsibilities is referred to as ''privatization.''

DATES: These administrative procedures are effective on March 13, 1996.

The deadline for receipt of applications from U.S. firms wishing to assume responsibility for recruitment, promotion, construction, and management of a U.S. exhibitor pavilion in the 1997 Tokyo Motor Show is April 19, 1996.

ADDRESSES: Trade Fair Certification Program, Room 2116, Export Promotion Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

FOR A COPY OF THE SOLICITATION OR FOR FURTHER INFORMATION, CONTACT: Paul Bucher, U.S. Department of Commerce, Room 2116, 14th and Constitution Avenue NW., Washington, D.C. 20230. Tel: (202) 482–2525. Fax: (202) 482–0115

Applicants may want to contact the U.S. Department of Commerce industry officer, previously responsible for organizing and managing the U.S. pavilion, and/or the trade fair proprietor about actual show dates, event specifics and logistics (see below).

SUPPLEMENTARY INFORMATION: In order to apply, interested firms must contact Commerce for a complete set of eligibility criteria, instructions, and an application. Applications must be received by Commerce by April 19, 1996.

The collection of information is approved by the Office of Management and Budget, OMB Control Number 0625–0222. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

As part of its focus to increase exports, the National Export Strategy, dated September 30, 1993, calls for the Administration to reduce the number of trade events the U.S. Government {USG} organizes, encourages more private sector participation in the trade event process, and invites qualified private sector firms to bid for those events they desire to handle. While this strategy refers to all USG-organized events, this notice is concerned only with the privatization of the Tokyo Motor Show to be held in October 1997, in Tokyo, Japan.

As with shows under the Trade Fair Certification Program, private sector organizers in this privatization process assume the responsibilities of organizing and managing a U.S. pavilion in designated overseas trade fairs, in lieu of Commerce. Certification, via the privatization process, assures Commerce's recognition and support of these private sector efforts.

Commerce does not provide any financial assistance to organizers or to exhibitors at these shows. As with the existing Trade Fair Certification Program, the selected organizer contributes $1,500 to assist in defraying Commerce expenses incurred in supporting the organizer and exhibitors.

Organizers selected by Commerce are not representatives of the Department or the U.S. Government and are prohibited from making statements to that effect.

Principal requirements and criteria of the privatization process are summarized below:

- The applicant must be a U.S. person. A ''U.S. person'' means a U.S. citizen, or an entity (such as a corporation, partnership, association or other entity) created under the laws of the United States or of any state, or the U.S. branch or agent of a foreign person. An officer of an American Chamber of Commerce, located in Japan, is eligible to submit an application. Such an applicant must meet the same criteria and perform the same requirements as a U.S. person. Applications will not be accepted from other foreign-based persons or entities.
- In order to qualify, all applications must be received by April 19, 1996.
- The selected U.S. pavilion organizer must offer the same space first to U.S. firms that participated in the 1995 show.
- Formation of a U.S. pavilion is required.
- Production of a catalog of U.S. exhibitors is required.
- The selected pavilion organizer must recruit a minimum of 12 exhibitors.
- Selected organizers are required to send a representative to the show for its duration and staff an office or booth within the show.
- Trade association applicants cannot restrict their U.S. exhibitor recruitment campaign or exhibitor participation to association members only. Such applicants must acknowledge and agree to this condition.
- Commerce cannot guarantee that the foreign trade fair proprietor will agree to privatization of the U.S. pavilion in the subject event. Commerce will assist the selected U.S. pavilion organizer in its discussions with the foreign event proprietor, but it is the foreign event proprietor's decision to grant the necessary lease for exhibit space.
- Within 60 days notice of selection, the U.S. pavilion organizer must submit the necessary lease documentation.
- Pavilion organizers should note that the foreign event proprietor may opt to select its own agent in advance of Commerce's selection of a U.S. pavilion organizer. In such cases, Commerce will continue to offer its support to the U.S. pavilion organizer and event, but via the standard Trade Fair Certification Program, as prescribed in the Federal Register notice dated April 30, 1993, 58 FR 26116.
- Prior to selection of the U.S. pavilion organizer, Commerce reserves the right to withdraw an event from the privatization process if circumstances warrant Commerce's retention of the event. Also, following selection of the U.S. pavilion organizer, Commerce may withdraw its support of the U.S. pavilion organizer if Commerce determines that the U.S. pavilion organizer has not complied with the provisions outlined in this notice. Commerce also retains the option to directly organize and manage a pavilion of exhibitors under these circumstances.
- While the foreign event proprietor will be encouraged to offer the selected U.S. pavilion organizer leased space under the same conditions and rates that would be offered to Commerce, Commerce cannot guarantee it.

The appropriate Commerce Officer should be contacted to discuss Commerce's activities and responsibilities as they relate to the U.S. pavilion in the Tokyo Motor Show. Commerce seeks applications from qualified firms, associations, or the local American Chamber of Commerce abroad to assume U.S. pavilion recruitment, promotion, organization and

management functions in the Tokyo Motor Show:

Tokyo Motor Show, Tokyo, Japan, October 1997

Industry: Autos, Auto Parts, and Auto Services Commerce contact for past event information: John White or Lori Seaman, U.S. Department of Commerce, Room 4028, Washington, D.C. 20230, Tel: 202/482–0671, Fax: 202/482–5872

Show Proprietor: Japan Motor Industrial Federation (JMIF), Attn: Executive Managing Director, Otemachi Building, 6–1, 1-chome, Otemachi, Chiyoda-ku, Tokyo 100, Japan, Tel: 81/3/3211–8731, Fax: 81/3/3211–5798.

Dated: February 14, 1996.

Mary Fran Kirchner,

Chairman, ITA Trade Events Board.

[FR Doc. 96–5918 Filed 3–12–96; 8:45 am]

BILLING CODE 3510–FP–P

Federal Register

Wednesday
March 13, 1996

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 27 and 29

Airworthiness Standards; Occupant Protection in Normal and Transport Category Rotorcraft; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 27 and 29

[Docket No. 27681; Amendment No. 27–32, 29–38]

RIN 2120–AE88

Airworthiness Standards; Occupant Protection in Normal and Transport Category Rotorcraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: The Federal Aviation Administration (FAA) is amending the airworthiness standards to improve occupant protection in normal and transport category rotorcraft. These amended standards significantly increase the static design ultimate inertial load factors for restraining heavy items located above or behind the occupied areas during emergency landings. These increased load factors also apply to certain cargo and baggage compartments. These amendments further complement and enhance the standards previously adopted for occupant restraint and protection in normal and transport category rotorcraft in the event of a survivable emergency landing.

EFFECTIVE DATE: June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Mathias, Regulations Group, Rotorcraft Directorate, Aircraft Certification Service, FAA, Forth Worth, Texas 76193–0111, telephone number (817) 222–5110.

SUPPLEMENTARY INFORMATION:

Background

These amendments are based on Notice of Proposed Rulemaking (NPRM) No. 94–8, which was published in the Federal Register on April 11, 1994 (59 FR 17156). That notice proposed to amend the occupant protection airworthiness standards of 14 CFR parts 27 and 29 (parts 27 and 29) to increase the ultimate inertial load factors in §§ 27.561(c) and 29.561(c) and to add a new 1.5g rearward design load factor to §§ 27.561(b) and 29.561(b). The amended standards of §§ 27.561(c) and 29.561(c) would apply to restraining heavy items located above and behind the cabin and other occupied areas against the loads created during emergency landings; and the amended standards of §§ 27.561(b) and 29.561(b) would apply to restraining and protecting occupants and restraining heavy items in the cabin and other occupied areas against the loads created during emergency landings. In addition, the amended standards of §§ 27.561 (b) and (c) and 29.561 (b) and (c) would apply to current cargo and baggage compartment standards by their reference within the text of §§ 27.787 and 29.787.

The Crash Resistant Fuel Systems (CRFS) in Normal and Transport Category Rotorcraft Final Rule, Amendments 27–30 and 29–35 (59 FR 50380, October 3, 1994), amended the fuel tank and compartment standards of §§ 27.963 and 29.963 (which utilized the inertial factors contained in §§ 27.561 and 29.561, respectively) to specifically state the CRFS inertial factor standards in §§ 27.952(b)(2) and 29.952(b)(2). However, the specific inertial factors adopted in §§ 27.952(b)(2) and 29.952(b)(2) for fuel tanks located above or behind the occupied areas are lower than those factors adopted in these amendments. The FAA will consider whether further rulemaking is necessary to increase the inertial load factors for CRFS design in §§ 27.952(b)(2) and 29.952(b)(2) to the levels of those adopted in §§ 27.561(c) and 29.561(c) of these amendments.

In summary, occupant protection will be enhanced through the increased strength requirements for retention of items of mass, such as engines, transmissions, and baggage and cargo compartment contents located above or behind occupied areas. These amended standards stem from recommendations from the Aviation Rulemaking Advisory Committee (ARAC) to increase certain design inertial load factors. These amended standards will complement and enhance the occupant protection standards adopted by Amendments 27–25 and 29–29 (54 FR 47310, November 13, 1989) for survivable emergency landings.

Discussion of Comments

Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to the comments received from the four commenters. The commenters are the Civil Aviation Authority (CAA) Australia, the Airline Pilots Association (ALPA), the Association Europeene des Constructeurs de Material Aerospatial (AECMA), and the National Transportation Safety Board (NTSB).

The CAA agrees that increased design inertial load factors are appropriate but questions the logic in the difference between design factors for occupant restraint and protection previously adopted for interior items and the proposed factors for restraint of external items. This commenter recommends adoption of the larger design inertial factors found in §§ 27.561(b) and 29.561(b) applicable to restraint of occupants and cabin items rather than the factors proposed. The commenter highlights the differences between the two sets of design inertial factors.

ALPA supports the proposal but requests that the FAA determine if the proposed 1.5g rearward inertial factor for seats is sufficient in light of a possible emergency landing scenario in which the rotorcraft would itself rotate 180 degrees and cause the seats and occupants to exceed the 1.5g design inertial load factor.

AECMA notes that publication and prompt adoption of the final rule as proposed are essential to harmonize these sections of the Federal Aviation Regulations with the comparable European Joint Aviation Regulations (JAR) 27 and 29 Rotorcraft Standards.

The NTSB comments that the proposed standards represent a significant advancement in occupant protection and in crashworthiness of normal and transport category rotorcraft and supports the proposal.

The FAA acknowledges the CAA's concern with proposed differing design inertial factors and attempted to address these concerns in the preamble of Notice No. 94–8 under the heading ''FAA Evaluation of ARAC Recommendation.'' In addition, the information in Report No. DOT/FAA/CT–85/11, ''Analysis of Rotorcraft Crash Dynamics for Development of Improved Crashworthiness Design Criteria,'' June 1985, was the genesis for the inertial factors contained in a previous amendment to §§ 27.561 and 29.561. According to that report, inertial factors for restraint of external items can safely differ from the factors for interior items since severe injury due to penetration into the cabin is not identified as a significant hazard in that earlier report. However, the increased design inertial factors proposed in Notice 94–8 will improve both occupant protection from external items and rotorcraft structural crashworthiness.

The FAA understands ALPA's concern about the adequacy of the 1.5g rearward load factor in the event of an emergency landing impact in which the rotorcraft fuselage is either fully or partially reversed for some time interval during the overall impact sequence. Some cases of reverse impact could exceed the proposed rearward load factor. However, FAA research has considered the overall spectrum of reverse impacts and that research shows that occurrences of severe, sustained reverse impacts are remote. This

research also shows that reverse impacts constitute an extremely small portion of all rotorcraft impacts. In addition, the research shows that the gravity forces felt by occupants are significantly less in most reverse impacts because of the larger crushing distances inherent in most rotorcraft aft fuselage structures and because the reverse direction of the impact is typically not sustained. Additional fuselage motion such as tumbling and further rotation usually occur, thus the full impact is not in a reverse direction. Therefore, the total impact energy dissipated in a reverse impact is considered minimal. In addition, the complementary inertial design factors in §§ 27.561(b) and 29.561(b), as well as the companion dynamic test standards in §§ 27.562 and 29.562, inherently provide strength for occupant protection in the event of a reverse impact. Therefore, the FAA has determined that the 1.5g rearward inertial factor is an adequate, practical safety standard.

In response to AECMA's concern that the publication date of this final rule correspond to the publication date of the JAR amendment, the FAA is committed to processing this final harmonized rule so that it can be published as near as possible to the publication date of the JAR.

The CAA also recommends application of a 1.33 inertial attachment factor for litter and berth installations as a logical application of the seat design standard found in §§ 27.785(f)(2) and 29.785(f)(2) but recognizes that this request exceeds the scope of the proposal. The CAA further recommends a research program to address litter installations and litter occupant protection. To improve protection of litter occupants, the FAA anticipates conducting an internal FAA research program to address litter installations for airplanes and rotorcraft.

After considering all of the comments, the FAA has determined that air safety and the public interest require adoption of the amendments as proposed.

Regulatory Evaluation Summary

Proposed changes to federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this rule: (1) Will generate benefits exceeding its costs and is not significant as defined in Executive Order 12866; (2) is not significant as defined in DOT's Policies and Procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will not affect international trade. These analyses, available in the docket, are summarized below.

Cost-Benefit Analysis

The increased forward, sideward, and downward load factors can be accommodated without changing current design practices. In many cases, sizable increases in load factors have been achieved by the use of larger bolts and/or fasteners and minor reinforcements to attach items of mass to the rotorcraft structure. The addition of 1.5g rearward load factors will require no design or production modifications because the 12g and 16g forward load factors of the new and current standards will inherently result in sufficient structural strength to meet this rearward requirement.

Consequently, the amendments that add and revise requirements will impose little or no incremental costs on rotorcraft manufacturers. Additionally, they will impose no or minimal weight penalties and operating costs on rotorcraft operators.

Occupant safety will be enhanced by the amendments, but this enhancement is difficult to quantify. The FAA study, ''Analysis of Rotorcraft Crash Dynamics for Development of Improved Crashworthiness Design Criteria'' (Report No. DOT/FAA/CT–85/11, June 1985), identified separation of items of mass from the rotorcraft structure and penetration into occupied areas as one of 14 hazards associated with otherwise survivable rotorcraft accidents. Such occurrences have resulted in approximately one injury (of at least moderate severity) per year. The benefits of averting just one such occurrence will more than offset the negligible costs of the rule. The FAA therefore finds the rule to be cost-beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a rule has significant economic impact on a substantial number of small entities. FAA Order 2100.14A outlines FAA's procedures and criteria for implementing the RFA. The FAA has determined that this rule will not have a significant economic impact on a substantial number of small manufacturers or operators of rotorcraft because there are no small rotorcraft manufacturers, as that term is defined in the Order.

International Trade Impact Assessment

This rule will not constitute a barrier to international trade, including the export of American goods and services to foreign countries and the import of foreign goods and services into the United States. Each applicant for a new type certificate for a transport or normal category rotorcraft, whether the applicant be U.S. or foreign, will be required to show compliance with this rule. This rule will have no effect on the sale of U.S. rotorcraft in foreign markets and the sale of foreign rotorcraft in the United States.

Federalism Implications

The regulations adopted herein will not have substantial direct effects on the states, on the relationships between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons stated above, including the findings of the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not a significant regulatory action under Executive Order 12866. In addition, the FAA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation of this regulation, including a Regulatory Determination and Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under the section entitled **FOR FURTHER INFORMATION CONTACT.**

List of Subjects in 14 CFR Parts 27 and 29

Air transportation, Aircraft, Aviation safety, Rotorcraft, Safety.

The Amendments

Accordingly, the Federal Aviation Administration amends 14 CFR parts 27 and 29 of the Federal Aviation Regulations as follows:

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

1. The authority citation for part 27 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

2. Section 27.561 is amended by adding new paragraphs (b)(3)(v) and (c)(5) and by revising paragraphs (c)(2), (c)(3), and (c)(4) to read as follows:

§ 27.561 General.

* * * * *

(b) * * *

(3) * * *

(v) Rearward—1.5g.

(c) * * *

(2) Forward—12g.

(3) Sideward—6g.

(4) Downward—12g.

(5) Rearward—1.5g.

* * * * *

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

3. The authority citation for part 29 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

4. Section 29.561 is amended by adding new paragraphs (b)(3)(v) and (c)(5) and by revising paragraphs (c)(2), (c)(3), and (c)(4) to read as follows:

§ 29.561 General.

* * * * *

(b) * * *

(3) * * *

(v) Rearward—1.5g.

(c) * * *

(2) Forward—12g.

(3) Sideward—6g.

(4) Downward—12g.

(5) Rearward—1.5g.

* * * * *

Issued in Washington, DC, on March 8, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96–6019 Filed 3–12–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Register

Wednesday
March 13, 1996

Part IV

Department of Housing and Urban Development

24 CFR Part 1720 et al.

Streamlining Interstate Land Sales, Manufactured Housing Construction and Safety, and Real Estate Settlement Procedures Act Programs—Investigations; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 1720, 3282, 3500, and 3800

[Docket No. FR–4026–F–01]

RIN 2502–AG71

Streamlining Interstate Land Sales, Manufactured Housing Construction and Safety Standards, and Real Estate Settlement Procedures Act Programs—Investigations

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends HUD's regulations for three consumer protection regulatory programs by consolidating and streamlining the provisions relating to investigations. These programs, over which the Secretary has investigative authority, are Interstate Land Sales, the Real Estate Settlement Procedures Act, and Manufactured Housing Construction and Safety Standards, which are now reorganized under one office, the Office of Consumer and Regulatory Affairs (hereafter collectively referred to as ''consumer regulatory programs''). In an effort to comply with the President's regulatory reform initiatives, this rule will streamline the regulations of these consumer regulatory programs by eliminating provisions that are redundant or are otherwise unnecessary. This final rule will make the consumer regulatory program regulations clear and concise.

EFFECTIVE DATE: April 12, 1996.

FOR FURTHER INFORMATION CONTACT: Rebecca Holtz, Attorney, Room 9253, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone number (202) 708–3088 (this is not a toll-free number). For hearing- and speech-impaired persons, this number may be accessed via TDD by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On March 4, 1995, President Clinton issued a memorandum to all Federal departments and agencies regarding regulatory reinvention. In response to this memorandum, the Department of Housing and Urban Development conducted a page-by-page review of its regulations to determine which can be eliminated, consolidated, or otherwise improved. HUD has determined that the regulations for three consumer protection regulatory programs—Interstate Land Sales, RESPA, and Manufactured Housing Construction and Safety Standards—can be improved and streamlined by consolidating similar provisions relating to investigations and eliminating unnecessary provisions. This rule includes these streamlined provisions in a new part 3800 of the Department's regulations. The consolidation of these provisions will simplify compliance with and understanding of the requirements and rights in investigations under these programs.

Several provisions in the regulations repeat statutory language from the Interstate Land Sales Full Disclosure Act, the National Manufactured Housing Construction and Safety Standards Act of 1974, and the Real Estate Settlement Procedures Act of 1974. It is unnecessary to maintain statutory requirements in the Code of Federal Regulations (CFR), since those requirements are otherwise fully accessible and binding. Furthermore, if regulations contain statutory language, HUD must amend the regulations whenever Congress amends the statute. Therefore, this final rule will remove repetitious statutory language and replace it with a citation to the specific statutory section for easy reference.

Other provisions in the regulations apply to more than one program, and HUD repeated these provisions in different subparts. This repetition is unnecessary, and updating these scattered provisions is cumbersome, often creating confusion. Therefore, this final rule consolidates these duplicative provisions, maintaining appropriate cross-references for the reader's convenience. The rule also makes conforming changes in parts 1720, 3282, and 3500 of title 24, to reference the new part 3800.

Lastly, some provisions in the regulations are not regulatory requirements. For example, several sections in the regulations contain nonbinding guidance or explanations. While this information is very helpful to recipients, HUD will appropriately provide this information through handbook guidance or other materials rather than maintain it in the CFR.

Justification for Final Rulemaking

HUD generally publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking in 24 CFR part 10. However, part 10 provides for exceptions to the general rule if the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment. This rule consolidates similar requirements and removes unnecessary regulatory provisions; it does not make substantive changes in the program regulations. Therefore, prior public comment is unnecessary.

Other Matters

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this final rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely streamlines regulations by removing unnecessary provisions. The rule will have no adverse or disproportionate economic impact on small businesses.

Environmental Impact

This rulemaking does not have an environmental impact. This rulemaking simply amends an existing regulation by consolidating and streamlining provisions and does not alter the environmental effect of the regulations being amended. A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) at the time of development of regulations implementing the consumer regulatory programs. That finding remains applicable to this rule and is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various

levels of government. No programmatic or policy changes will result from this rule that would affect the relationship between the Federal Government and State and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule will not have the potential for significant impact on family formation, maintenance, or general well-being, and thus is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule.

The Catalog of Federal Domestic Assistance program numbers are 14.168 and 14.171.

List of Subjects

24 CFR Part 1720

Administrative practice and procedure.

24 CFR Part 3282

Administrative practice and procedure, Consumer protection, Intergovernmental relations, Investigations, Manufactured homes, Reporting and recordkeeping requirements, Warranties.

24 CFR Part 3500

Consumer protection, Condominiums, Housing, Mortgages, Mortgage servicing, Reporting and recordkeeping requirements.

24 CFR Part 3800

Administrative practice and procedure, Consumer protection, Investigations, Manufactured homes, Mortgages, Mortgage servicing, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, under the authority of 42 U.S.C. 3535(d), title 24 of the Code of Federal Regulations is amended by adding a new part 3800, and by amending parts 1720, 3282, and 3500, as follows:

1. A new part 3800 is added to read as follows:

PART 3800—INVESTIGATIONS IN CONSUMER REGULATORY PROGRAMS

Sec.

Authority: 12 U.S.C. 2601 *et seq.;* 15 U.S.C. 1714; 42 U.S.C. 3535(d) and 5413.

§ 3800.10 Scope of rules.

This part applies to investigations and investigational proceedings undertaken by the Secretary, or the Secretary's designee, pursuant to the following:

(a) The Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 *et seq.;*

(b) The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 *et seq.;* and

(c) The Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601 *et seq.*

§ 3800.20 Subpoenas in investigations.

(a) The Secretary may issue subpoenas relating to any matter under investigation. A subpoena may:

(1) Require testimony to be taken by interrogatories;

(2) Require the attendance and testimony of witnesses at a specific time and place;

(3) Require access to, examination of, and the right to copy documents; and

(4) Require the production of documents at a specific time and place.

(b) A subpoenaed person may petition the Secretary or the Secretary's designee to modify or withdraw a subpoena by filing the petition within 10 days after service of the subpoena. The petition may be in letter form, but must set forth the facts and law upon which the petition is based.

§ 3800.30 Subpoena enforcement in district court.

In the case of contumacy of a witness or a witness's refusal to obey a subpoena or order of the Secretary, the United States district court for the jurisdiction in which an investigation is carried on may issue an order requiring compliance with the subpoena. HUD headquarters in Washington, D.C., is one of the locations in which the Secretary carries on investigations of its consumer regulatory programs.

§ 3800.40 Investigational proceedings.

(a) For the purpose of hearing the testimony of witnesses and receiving documents and other data relating to any subject under investigation, the Secretary, or the Secretary's designee, may conduct an investigational proceeding.

(b) The Secretary, or the Secretary's designee, (''presiding official'') shall preside over the investigational proceeding. The proceeding shall be stenographically or mechanically reported. A transcript shall be a part of the record of the investigation.

(c) Unless the presiding official determines otherwise, investigational proceedings shall be public.

(d) The presiding official shall take all necessary action to regulate the course of the proceeding to avoid delay and to maintain order. If necessary to maintain order, the presiding official may exclude a witness or counsel from a proceeding. The Department may also take further action as permitted by statute.

§ 3800.50 Rights of witnesses in investigational proceedings.

(a) Any person who testifies at a public investigational proceeding shall be entitled, on payment of costs, to purchase a copy of a transcript of the testimony the person provided.

(b) In a nonpublic investigational proceeding, the presiding official may for good cause limit a witness to an inspection of the official transcript of that witness's testimony.

(c) Any person subpoenaed to appear at an investigational proceeding may be represented by counsel as follows:

(1) With respect to any question asked of a witness, a witness may obtain confidential advice from counsel;

(2) If a witness refuses to answer a question, counsel for the witness may briefly state the legal grounds for the refusal;

(3) Counsel for the witness may object to a question or a request for production of documents that is beyond the scope of the investigation or for which a privilege of the witness to refuse to answer may be invoked. In so doing, counsel for the witness may state briefly the grounds for the objection. Objections will be deemed continuing throughout the course of the proceeding. Repetitious or cumulative statements of an objection or the grounds for an objection are unnecessary and impermissible; and

(4) After the Department's examination of a witness, counsel for the witness may request that the witness be permitted to clarify any answers to correct any ambiguity, equivocation, or incompleteness in the witness's testimony. The decision to grant or deny this request is within the sole discretion of the presiding official.

§ 3800.60 Settlements.

(a) At any time during an investigation, the Department and the parties subject to an investigation may conduct settlement negotiations.

(b) When the Secretary or Secretary's designee deems it appropriate, the Department may enter into a settlement agreement.

PART 1720—FORMAL PROCEDURES AND RULES OF PRACTICE

1a. The authority citation for part 1720 is revised to read as follows:

Authority: 15 U.S.C. 1718; 42 U.S.C. 3535(d).

Subpart A—Rules and Rule Making

2. Section 1720.10 is revised to read as follows:

§ 1720.10 Investigations and Conferences.

(a) In connection with a rulemaking proceeding, the Secretary may conduct such investigations, make such studies, and hold such conferences as are necessary. Investigations in connection with a rulemaking may be conducted in accordance with the general investigatory procedures under part 3800 of this chapter.

(b) At any such conferences, interested persons may appear to express views and suggest amendments relative to proposed rules.

Subpart C—[Removed and Reserved]

3. Subpart C, consisting of §§ 1720.45 through 1720.95, is removed and reserved.

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

4. The authority citation for part 3282 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5424.

Subpart A—General

5. Section 3282.1(b) is amended by adding at the end a new sentence, to read as follows:

§ 3282.1 Scope and purpose.

* * * * *

(b) * * * The procedures for investigations and investigational proceedings are set forth in 24 CFR part 3800.

Subpart D—Informal and Formal Presentations of Views, Hearings and Investigations

6. Section 3282.151 is amended by revising paragraph (a); removing paragraph (c), and redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively, to read as follows:

§ 3282.151 Applicability and scope.

(a) This subpart sets out procedures to be followed when an opportunity to present views provided for in the Act is requested by an appropriate party. Section 3282.152 provides for two types of procedures that may be followed, one informal and nonadversary, and one more formal and adversary. Section 3282.152 also sets out criteria to govern which type of procedure will be followed in particular cases.

* * * * *

7. Section 3282.155 is revised to read as follows:

§ 3282.155 Investigations.

The procedures for investigations and investigational proceedings are set forth in part 3800 of this chapter.

PART 3500—REAL ESTATE SETTLEMENT PROCEDURES ACT

8. The authority citation for part 3500 is revised to read as follows:

Authority: 12 U.S.C. 2601 *et seq.*; 42 U.S.C. 3535(d).

9. Section 3500.19 is amended by adding a new paragraph (e) to read as follows:

§ 3500.19 Enforcement.

* * * * *

(e) *Investigations.* The procedures for investigations and investigational proceedings are set forth in 24 CFR part 3800.

§ 3500.20 [Removed and Reserved]

10. Section 3500.20 is removed and reserved.

Dated: February 22, 1996.

Stephanie A. Smith,

Acting General Deputy, Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 96–5989 Filed 3–12–96; 8:45 am]

BILLING CODE 4210–27–P

Federal Register

Wednesday
March 13, 1996

Part V

The President

Proclamation 6871—National Poison Prevention Week, 1996

Federal Register
Vol. 61, No. 50
Wednesday, March 13, 1996

Presidential Documents

Title 3—

The President

Proclamation 6871 of March 11, 1996

National Poison Prevention Week, 1996

By the President of the United States of America

A Proclamation

As we recognize National Poison Prevention Week, we can be proud of the 35 years of public health efforts that have dramatically reduced the number of childhood deaths caused by poisoning. Measures such as child-resistant packaging and the lifesaving work of poison prevention experts have raised awareness of this important issue and given families and caregivers strategies to safeguard young people from harm.

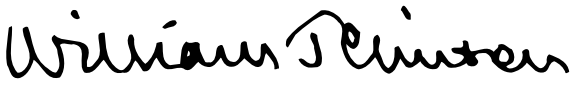
Nevertheless, the American Association of Poison Control Centers estimates that over one million children each year are exposed to potentially toxic household materials. The Poison Prevention Week Council, a coalition of 38 national organizations dedicated to ending this threat, distributes valuable information to poison control centers, pharmacies, public health departments, and others to aid community poison prevention efforts. In addition, the Consumer Product Safety Commission has long required child-resistant packaging for a number of medicines and household chemicals. The recent development of such packaging that is easier for adults to open will mean more conscientious use of hazardous products and a decreased risk of accidental poisoning.

This week and throughout the year, we must remember that small safety measures—such as using child-resistant packaging correctly and keeping harmful substances locked away from children—can save lives. And if a poisoning occurs, a poison control center can offer emergency intervention. By keeping these simple measures in mind, we can better protect our children and make home safety a routine part of our daily lives.

To encourage the American people to learn more about the dangers of accidental poisoning and to take preventive steps, the Congress, by Public Law 87–319 (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March of each year as ''National Poison Prevention Week.''

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim March 17 through March 23, 1996, as National Poison Prevention Week. I call upon all Americans to observe this week by participating in appropriate ceremonies, activities, and educational programs.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of March, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twentieth.



[FR Doc. 96–6198
Filed 3–12–96; 10:20 am]
Billing code 3195–01–P

Reader Aids

Federal Register

Vol. 61, No. 50

Wednesday, March 13, 1996

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–523–5227**

Public inspection announcement line **523–5215**

Laws

Public Laws Update Services (numbers, dates, etc.) **523–6641**

For additional information **523–5227**

Presidential Documents

Executive orders and proclamations **523–5227**

The United States Government Manual **523–5227**

Other Services

Electronic and on-line services (voice) **523–4534**

Privacy Act Compilation **523–3187**

TDD for the hearing impaired **523–5229**

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and list of documents on public inspection. **202–275–0920**

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, MARCH

7979–8204 1
8205–8466 4
8467–8850 5
8851–9088 6
9089–9320 7
9321–9588 8
9589–9898 11
9899–10268 12
10269–10446 13

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6867 8843
6868 8847
6869 8849
6870 9899
6871 10445

Executive Orders:
12131 (Amended by EO 12991) 9587
12957 (Continued by Notice of March 8, 1996) 9897
12959 (See Notice of March 8, 1996) 9897
12990 8467
12991 9587

Administrative Orders:
Memorandums:
February 29, 1996 9889
Notices:
March 8, 1996 9897
Presidential Determinations:
No. 96–10 of February 23, 1996 8463
No. 96–11 of February 23, 1996 8465
No. 96–12 of February 28, 1996 9887
No. 96–13 of March 1, 1996 9891
No. 96–14 of March 1, 1996 9893

4 CFR

28 9089

5 CFR

315 9321

7 CFR

29 9589
31 9589
32 9589
51 9589
52 9589
53 9589
54 9589
56 9589
58 9589
70 9589
160 9589
301 8205
319 8205
457 8851
1487 8207
1491 8207
1492 8207
1495 8207
2902 9901

Proposed Rules:
52 9654
916 8225
917 8225
1131 10288
1427 10289

8 CFR

242 8858

9 CFR

Proposed Rules:
1 9371
3 9371
92 ..... 9957, 10269
301 9655
304 9655
305 9655
306 9655
307 9655
310 8892
318 ..... 8892, 9655
319 8892
325 9655
381 ..... 8892, 9655

10 CFR

19 9901
30 9901
51 9901
52 9901
55 9901

Proposed Rules:
430 9958

10 CFR

100 10269
102 10269
109 10269
110 10269
114 10269

12 CFR

366 9590

Proposed Rules:
3 9114
208 9114
225 9114
325 9114
703 8499

13 CFR

Ch. III 7979
107 7985
115 7985
120 7985
121 7986
125 7986

14 CFR

23 10269
25 9533
27 10436
29 10436

REMINDERS

The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Gulf of Alaska and Bering Sea and Aleutian Islands groundfish; published 2-13-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Arizona; published 2-12-96

Illinois; published 2-12-96

New Jersey; published 2-12-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

3,5-dichloro-n-(1,1-dimethyl-2-propynyl)benzamide; published 3-13-96

Chlorothalonil; published 3-13-96

FEDERAL ELECTION COMMISSION

Contribution and expenditure limitations and prohibitions:

Corporate and labor organizations--

Express advocacy and coordination with candidates; effective date; published 3-13-96

FEDERAL MARITIME COMMISSION

Ocean freight forwarders, marine terminal operations, and passenger vessels:

Service contract filing requirements; miscellaneous revisions; published 2-12-96

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Acquisition regulations:

Miscellaneous amendments; published 2-12-96

SECURITIES AND EXCHANGE COMMISSION

Securities:

Brazil et al., ''proposed countries''; exemption for purposes of trading futures contracts; published 3-13-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air traffic operating and flight rules:

Summer Olympic Games, 1996; airspace and flight operations requirements; published 2-12-96

Airworthiness directives:

Beech; published 2-12-96

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Milk marketing orders:

Arizona; comments due by 3-20-96; published 3-13-96

Olives grown in California; comments due by 3-21-96; published 2-20-96

Onions grown in--

Texas; comments due by 3-21-96; published 2-20-96

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Plant-related quarantine, domestic:

Citrus canker; comments due by 3-22-96; published 1-22-96

AGRICULTURE DEPARTMENT

Farm Service Agency

Program regulations:

Housing--

Section 515 rural rental housing loans; comments due by 3-18-96; published 1-17-96

AGRICULTURE DEPARTMENT

Rural Business and Cooperative Development Service

Program regulations:

Housing--

Section 515 rural rental housing loans; comments due by 3-18-96; published 1-17-96

AGRICULTURE DEPARTMENT

Rural Housing and Community Development Service

Program regulations:

Housing--

Section 515 rural rental housing loans; comments due by 3-18-96; published 1-17-96

AGRICULTURE DEPARTMENT

Rural Utilities Service

Program regulations:

Housing--

Section 515 rural rental housing loans; comments due by 3-18-96; published 1-17-96

AGRICULTURE DEPARTMENT

Import quotas and fees:

Dairy products; comments due by 3-18-96; published 1-18-96

COMMERCE DEPARTMENT

Freedom of Information and Privacy Acts; implementation; comments due by 3-22-96; published 2-21-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Gulf of Alaska and Bering Sea and Aleutian Islands groundfish; comments due by 3-21-96; published 2-20-96

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Defense Authorization Act; implementation; comments due by 3-22-96; published 2-21-96

EDUCATION DEPARTMENT

Special education and rehabilitative services:

Projects with industry program; comments due by 3-22-96; published 1-22-96

ENVIRONMENTAL PROTECTION AGENCY

Air programs; State authority delegations:

Washington; comments due by 3-18-96; published 2-16-96

Air quality implementation plans; approval and promulgation; various States:

Florida; comments due by 3-22-96; published 2-21-96

Michigan; comments due by 3-22-96; published 2-21-96

South Carolina; comments due by 3-18-96; published 2-16-96

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:

New Mexico; comments due by 3-18-96; published 2-16-96

Clean Air Act:

Acid rain program--

Nitrogen oxides emissions reduction program; comments due by 3-19-96; published 2-2-96

Hazardous waste:

Identification and listing--

Petroleum refining process wastes; land disposal restrictions; comments due by 3-21-96; published 2-13-96

State underground storage tank program approvals--

Maine; comments due by 3-22-96; published 2-21-96

Rhode Island; comments due by 3-21-96; published 2-20-96

Water pollution control:

Water quality standards--

Sacramento River, San Joaquin River, and San Francisco Bay and Delta, CA; surface waters; protection criteria; comments due by 3-19-96; published 12-20-95

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services

Common and private carrier paging, licensing procedures; competitive bidding; comments due by 3-18-96; published 2-16-96

Radio stations; table of assignments:

Arkansas; comments due by 3-21-96; published 2-6-96

Television broadcasting:

Cable television systems--

Cable home wiring; comments due by 3-18-96; published 2-16-96

Telephone and cable telecommunications inside wiring, customer premises equipment; harmonization; comments due by 3-18-96; published 2-1-96

FEDERAL DEPOSIT INSURANCE CORPORATION

General policy:

Fitness for employment; minimum standards;

comments due by 3-18-96; published 2-15-96

FEDERAL EMERGENCY MANAGEMENT AGENCY

Flood insurance program:

Audit program revision; comments due by 3-18-96; published 2-1-96

GENERAL ACCOUNTING OFFICE

Bid protest process; comments due by 3-22-96; published 2-21-96

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Defense Authorization Act; implementation; comments due by 3-22-96; published 2-21-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food for human consumption:

Food labeling--

Nutrient content claims; general principles; comments due by 3-20-96; published 12-21-95

Nutrient content claims; general principles; correction; comments due by 3-20-96; published 3-6-96

Human subjects, protection; informed consent; comments due by 3-21-96; published 12-22-95

HEALTH AND HUMAN SERVICES DEPARTMENT

Public Health Service

Organization, functions, and authority delegations:

Senior Biomedical Research Service; comments due by 3-22-96; published 2-21-96

INTERIOR DEPARTMENT

Minerals Management Service

Royalty management:

Federal and Indian leases; oil valuation; comments due by 3-19-96; published 12-20-95

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Colorado; comments due by 3-20-96; published 3-5-96

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Defense Authorization Act; implementation; comments due by 3-22-96; published 2-21-96

PERSONNEL MANAGEMENT OFFICE

Prevailing rate systems; comments due by 3-18-96; published 2-15-96

RAILROAD RETIREMENT BOARD

Public information availability; fee schedule; comments due by 3-18-96; published 1-18-96

STATE DEPARTMENT

Removal of alien enemies brought to U.S.; World War II reparations; and disposal of surplus property in foreign areas; CFR parts removed; comments due by 3-22-96; published 2-21-96

TRANSPORTATION DEPARTMENT

Coast Guard

Federal regulatory review:

Electrical engineering requirements for merchant vessels; comments due by 3-18-96; published 2-2-96

Regattas and marine parades:

Annual National Maritime Week Tugboat Races; comments due by 3-18-96; published 1-17-96

TRANSPORTATION DEPARTMENT

Ticketless travel; passenger notices; comments due by 3-19-96; published 1-19-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 3-19-96; published 1-19-96

Beech; comments due by 3-22-96; published 2-9-96

Bellanca, Inc.; comments due by 3-20-96; published 1-22-96

Cessna; comments due by 3-21-96; published 1-22-96

Jetstream; comments due by 3-22-96; published 1-19-96

Class E airspace; comments due by 3-18-96; published 1-31-96

Colored Federal Airways; comments due by 3-21-96; published 2-6-96

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Meetings:

Mirror systems safety; comments due by 3-22-96; published 2-7-96

TREASURY DEPARTMENT

Internal Revenue Service

Employment taxes and collection of income taxes at source:

Backup witholding, statement mailing requirements, and due diligence; comments due by 3-20-96; published 12-21-95

Income taxes:

Family and Medical Leave Act; cafeteria plans operation; comments due by 3-20-96; published 12-21-95

Loans to plan participants; comments due by 3-20-96; published 12-21-95

Tax exempt section 501(c)(5) organizations; requirements; comments due by 3-20-96; published 12-21-95

TREASURY DEPARTMENT

Government Securities Act of 1986; large position rules financial responsibility and reporting and recordkeeping requirements amendments; comments due by 3-18-96; published 12-18-95

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 12, 1996